

Exhibit 73:

Brenda Hoffman Deposition
Transcript and Exhibits F and G



(248)608-9250 Fax (844)270-7115
www.tri-countycourtreporters.com
depos@tricountyreporters.com

Transcript of the Testimony of
BRENDA HOFFMAN

Date: April 24, 2023

Volume:

Case: Does v. Whitmer

Printed On: May 10, 2023

BRENDA HOFFMAN

4/24/2023

<p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION</p> <p>JOHN DOES A, B, C, D, E, F, G, H, MARY DOE and MARY ROE, on behalf of themselves and all other similarly situated,</p> <p>Plaintiffs, vs. Case No. 2:22-cv-10209 Hon. Mark A. Goldsmith Mag. Curtis Ivy, Jr.</p> <p>GRETCHEN WHITMER, Governor of the State of Michigan, and COL. JOSEPH GASPER, Director of the Michigan State Police, in their official capacities,</p> <p>Defendants.</p> <hr/> <p>The Remote Deposition of BRENDA HOFFMAN Hartland, Michigan Commencing at 9:04 a.m. Monday, April 24, 2023 Before Gina Deskiewicz, CSR-9689, RPR.</p> <p>Page 1</p>	<p>1 APPEARANCES</p> <p>2</p> <p>3 AMERICAN CIVIL LIBERTIES UNION FUND OF MICHIGAN MIRIAM J. AUKERMAN (P63165) 1514 Wealthy SE, Suite 260 Grand Rapids, Michigan 49506 5 (616) 301-0930 maukerman@aclumich.org 6 Appearing via Zoom.</p> <p>7</p> <p>8 AMERICAN CIVIL LIBERTIES UNION FUND OF MICHIGAN UNIV. OF MICHIGAN LAW SCHOOL 9 PAUL D. REINGOLD (P27594) 802 Legal Research Building 10 801 Monroe Street Ann Arbor, Michigan 48109 11 (734) 355-0319 pdr@umich.edu 12 Appearing via Zoom.</p> <p>13</p> <p>14 MICHIGAN DEPARTMENT OF ATTORNEY GENERAL SCOTT L. DAMICH (P74126) 15 PO Box 30754 Lansing, Michigan 48909 16 (517) 335-7573 damichs@michigan.gov 17 Appearing via Zoom.</p> <p>18</p> <p>19 ACLU OF MICHIGAN DAYJA S. TILLMAN (P86526) 20 1514 Wealthy Street SE, Suite 260 Grand Rapids, Michigan 49506 21 (616) 301-0930 dstillman@ucdavis.edu 22 Appearing via Zoom.</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 2</p>
<p>1 MICHIGAN STATE POLICE AIMEE L. BRIMACOMBE (P70926) 2 Po box 30634 Lansing, Michigan 48909 3 (517) 290-8559 brimacombea@michigan.gov 4 Appearing via Zoom.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 3</p>	<p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS:</p> <p>4 BRENDA HOFFMAN</p> <p>5 EXAMINATIONS PAGE</p> <p>6 EXAMINATION BY MR. REINGOLD 8</p> <p>7</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 (Attached to transcript.)</p> <p>11 EXHIBIT NO. PAGE</p> <p>12 EXHIBIT A 23</p> <p>13 -MSP Procedure Manual 07-14</p> <p>14 EXHIBIT F 38</p> <p>15 -Director's Memorandum 3/24/2021</p> <p>16 EXHIBIT C 47</p> <p>17 -Operational Procedure SOR-OP-304</p> <p>18 EXHIBIT D 56</p> <p>19 -Operational Procedure SOR-OP-328</p> <p>20 EXHIBIT E 79</p> <p>21 -Sex Offender Sweep Findings</p> <p>22 EXHIBIT H 95</p> <p>23 -MDOC Policy Record 4/01/2014</p> <p>24 EXHIBIT G 109</p> <p>25 -Director's Memorandum 2/1/2022</p> <p>Page 4</p>

1 (Pages 1 to 4)

BRENDA HOFFMAN

4/24/2023

<p>1 EXHIBIT J 121</p> <p>2 -RI-004</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 5</p>	<p>1 Hartland, Michigan</p> <p>2 April 24, 2023</p> <p>3 *****</p> <p>4 THE REPORTER: We are going on the</p> <p>5 record. It is 9:04 a.m. My name is</p> <p>6 Gina Deskiewicz. I am a Notary Public for the</p> <p>7 county of Macomb. I am a certified shorthand</p> <p>8 reporter for the state of Michigan.</p> <p>9 This deposition is being held via</p> <p>10 videoconferencing equipment. The witness and the</p> <p>11 reporter are not in the same room. The witness</p> <p>12 will be sworn in remotely, pursuant to agreement of</p> <p>13 all parties. The parties stipulate that the</p> <p>14 testimony is being given as if the witness was</p> <p>15 sworn in person.</p> <p>16 *****</p> <p>17 BRENDA HOFFMAN,</p> <p>18 was thereupon called as a witness herein, and after</p> <p>19 having first been duly sworn to testify to the truth,</p> <p>20 the whole truth and nothing but the truth, was examined</p> <p>21 and testified as follows:</p> <p>22 MR. REINGOLD: Good morning, everyone.</p> <p>23 My name is Paul Reingold, I'm a cooperating</p> <p>24 attorney with the ACLU on this case, Doe's versus</p> <p>25 Whitmore, and I'm one of the plaintiff's lawyers.</p> <p>Page 6</p>
<p>1 Today is April 24th, it's a little</p> <p>2 after 9:00 a.m., and this is the deposition of</p> <p>3 Brenda Hoffman, pursuant to notice and for all</p> <p>4 purposes that it can be used for under the</p> <p>5 Federal Rules of Self Procedure. Before we begin I</p> <p>6 wanted to remind everybody that in this case there</p> <p>7 are protective orders that govern two things. One</p> <p>8 is the anonymity of the plaintiffs, and the other</p> <p>9 is certain information that has been provided by</p> <p>10 the Michigan State Police, and the Michigan</p> <p>11 Department of Corrections.</p> <p>12 Everyone, not a lawyer in the case</p> <p>13 should have signed a protective order, and you need</p> <p>14 to understand that you're bound by that protective</p> <p>15 order not to reveal anything covered by it. Has</p> <p>16 the protective order been given to the court</p> <p>17 reporter and to the witness?</p> <p>18 THE REPORTER: I do not have it, but my</p> <p>19 firm may have it.</p> <p>20 MR. REINGOLD: And Ms. Hoffman, have</p> <p>21 you seen the protective order?</p> <p>22 THE WITNESS: I have not.</p> <p>23 MR. REINGOLD: All right. We'll make</p> <p>24 sure you get that, and we'll need for you to sign</p> <p>25 it. Okay?</p> <p>Page 7</p>	<p>1 THE WITNESS: Yes.</p> <p>2 MR. REINGOLD: Thank you.</p> <p>3 EXAMINATION</p> <p>4 BY MR. REINGOLD:</p> <p>5 Q. Let me start by giving you a few rules for the</p> <p>6 deposition. Let me ask, have you ever been deposed</p> <p>7 before?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Good. I think you'll find this interesting.</p> <p>10 It might be a long session, but I don't think it</p> <p>11 will be too painful. The purpose of a deposition</p> <p>12 basically is for one side to learn information from</p> <p>13 the other side. Often it's information that the</p> <p>14 only way we can learn it is by talking to people</p> <p>15 with the knowledge.</p> <p>16 It helps the parties resolve factual</p> <p>17 disputes, sometimes it makes it easier to move the</p> <p>18 case forward, and it also transfers basic knowledge</p> <p>19 from what's in your head, basically, to mine. And</p> <p>20 that's what we'll be doing today.</p> <p>21 There are a few basic rules for the</p> <p>22 deposition. One is it's a series of questions and</p> <p>23 answers. If you don't understand a question that I</p> <p>24 ask you, tell me and I'll try to rephrase it if I</p> <p>25 can. You should understand that if you answer the</p> <p>Page 8</p>

2 (Pages 5 to 8)

BRENDA HOFFMAN

4/24/2023

<p>1 question, people reading the transcript later will</p> <p>2 assume that you understood the question and</p> <p>3 answered it with understanding. Is that okay with</p> <p>4 you?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. You also have to answer in words, you can't</p> <p>7 shake your head or say "ah-huh" because the court</p> <p>8 reporter can't take down head shakes, and "ah-huh"</p> <p>9 is sometimes negative, and sometimes it's positive.</p> <p>10 So you have to try to speak, and I'll try to remind</p> <p>11 you if you don't.</p> <p>12 We also shouldn't talk over each other</p> <p>13 because it's very hard for the court reporter to</p> <p>14 get a clean record if two of us are talking at the</p> <p>15 same time. Next, if you want to take a break at</p> <p>16 any time, feel free to ask for one. The only thing</p> <p>17 I ask is that if it is mid-question, that you</p> <p>18 answer the question first before taking a break.</p> <p>19 And then the last thing I need to ask</p> <p>20 you is are you on any medications or using any</p> <p>21 alcohol or drugs that would impair your ability to</p> <p>22 tell us what you know today?</p> <p>23 A. No, sir.</p> <p>24 Q. Okay. All right. Let me start by asking you how</p> <p>25 you prepared for this deposition; did you review</p> <p style="text-align: center;">Page 9</p>	<p>1 any documents, and if so, what were they?</p> <p>2 A. I did work with the Attorney General Scott Damich,</p> <p>3 as well as Eric Jameson to just prepare for this</p> <p>4 deposition.</p> <p>5 Q. And that was basic preparation. But I'm asking</p> <p>6 were there any documents that you reviewed</p> <p>7 specifically?</p> <p>8 A. I did review -- I had asked to prepare a list of</p> <p>9 sweep details that we had done in the past.</p> <p>10 Q. Was that in response to discovery?</p> <p>11 A. Yes.</p> <p>12 Q. And I take it you provided some of the documents,</p> <p>13 or went out and looked for them, and then</p> <p>14 identified them in the discovery process?</p> <p>15 A. Correct.</p> <p>16 Q. All right. And so in preparing for the dep, you</p> <p>17 reviewed some of those discovery materials?</p> <p>18 A. Correct.</p> <p>19 Q. All right. Anything else that you looked at by way</p> <p>20 of documents?</p> <p>21 A. No, sir.</p> <p>22 Q. Did you review any of the legal documents in the</p> <p>23 case, the complaint or anything like that?</p> <p>24 A. I'm sorry, can you ask that question again?</p> <p>25 Q. Sure.</p> <p style="text-align: center;">Page 10</p>
<p>1 Did you review any of the legal</p> <p>2 documents in the case, like the complaint or maybe</p> <p>3 briefs that the party has filed, things like that?</p> <p>4 A. No, sir.</p> <p>5 Q. Okay. All right. And can you just very briefly</p> <p>6 give me an overview of what the documents were</p> <p>7 that -- that you were responsible for finding</p> <p>8 of -- you called them the sweet{sic} of documents.</p> <p>9 A. I was asked to list any of the sweeps that were</p> <p>10 organized by the Sex Offender Registry Unit.</p> <p>11 Q. All right. So it's about the sweeps. I thought</p> <p>12 you side the "sweet" of documents but you said</p> <p>13 "sweep"?</p> <p>14 A. Sweep, s-w-e-e-p.</p> <p>15 Q. Okay.</p> <p>16 A. You're sweet too, I guess.</p> <p>17 Q. Okay. All right. All right. Let's move on.</p> <p>18 We're going to start by getting a feel</p> <p>19 for your educational and professional background.</p> <p>20 I don't have a CV from you, I believe, so I'll ask</p> <p>21 you to start with your educational background.</p> <p>22 Can you tell us where you went to high</p> <p>23 school, college, grad school if any, college if</p> <p>24 any, and any police training or other kinds of</p> <p>25 professional training; it can be years or the</p> <p style="text-align: center;">Page 11</p>	<p>1 approximate times, that would be helpful.</p> <p>2 A. I graduated from Laker High School, which is</p> <p>3 Pigeon, Michigan, in 1990. After that I spent a</p> <p>4 year overseas as an exchange student in</p> <p>5 South Africa through the Rotary, so I attended</p> <p>6 Fish Hoek -- and that's, h-o-e-k -- High School, in</p> <p>7 Fish Hoek, South Africa.</p> <p>8 When I returned from South Africa, I</p> <p>9 then attended Central Michigan University; I</p> <p>10 believe I graduated there in 1996 or '97. And then</p> <p>11 from there I entered the state police -- well, I</p> <p>12 mean, my next form of education then was I was</p> <p>13 admitted into the 116th Trooper Recruit School for</p> <p>14 the Michigan State Police in August of 1998.</p> <p>15 Q. And when did you complete the trooper school?</p> <p>16 A. January of 1999.</p> <p>17 Q. Okay. And from there did you go directly into</p> <p>18 work?</p> <p>19 A. Correct.</p> <p>20 Q. All right. Did you hold any jobs between high</p> <p>21 school or college, or after college but before</p> <p>22 doing law enforcement training?</p> <p>23 A. Yes.</p> <p>24 Q. And what kinds of jobs did you hold and when?</p> <p>25 A. How far back did you want me to go?</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

BRENDA HOFFMAN

4/24/2023

<p>1 Q. High school to college, and then post college.</p> <p>2 A. Well, in high school my dad was a farmer, so I</p> <p>3 worked beats in the summer or beams. I also worked</p> <p>4 as a sporting goods store. I was also -- had a</p> <p>5 little news article or thing that I did for the</p> <p>6 local newspaper.</p> <p>7 When I went overseas I did not work,</p> <p>8 but I did continue to write for the local newspaper</p> <p>9 of my experiences. Once I returned from</p> <p>10 South Africa, then I started college. And in</p> <p>11 college I worked in the cafeteria for</p> <p>12 Central Michigan University. I also worked in the</p> <p>13 office in the chemistry unit.</p> <p>14 Q. All right. That's good. Were there any full time</p> <p>15 jobs after college?</p> <p>16 A. Yeah. When I was -- While I was in college I did</p> <p>17 have a full time job at the Circuit Court in</p> <p>18 Mount Pleasant.</p> <p>19 Q. What were your duties there?</p> <p>20 A. I was a court clerk.</p> <p>21 Q. And anything else between college and starting</p> <p>22 trooper school?</p> <p>23 A. I used to ref volleyball during volleyball season.</p> <p>24 Q. All right. Now, can you give your work history</p> <p>25 once you left school and started employment; I</p> <p style="text-align: center;">Page 13</p>	<p>1 assume from what you're saying you went directly to</p> <p>2 the Michigan State Police?</p> <p>3 A. I'm sorry, repeat that.</p> <p>4 Q. I'm assuming you went directly to the</p> <p>5 Michigan state police after graduating from the</p> <p>6 training?</p> <p>7 A. Well, when you start with the</p> <p>8 Michigan State Police, the academy is technically</p> <p>9 your start date with the state police.</p> <p>10 Q. All right. And when you finished, what was your</p> <p>11 first posting?</p> <p>12 A. I was assigned to the Metro North Post in Oak Park,</p> <p>13 Michigan.</p> <p>14 Q. What were your duties there?</p> <p>15 A. I was a trooper where I worked patrol and</p> <p>16 investigated complaints.</p> <p>17 Q. And for how long did you do that?</p> <p>18 A. Approximately 3 to 4 years.</p> <p>19 Q. And what years would those have been roughly?</p> <p>20 A. I believe 1999 through I believe 2003.</p> <p>21 Q. Okay. And then where did you move to next?</p> <p>22 A. I was then assigned to work on an undercover team</p> <p>23 called COMET, which stands for County Of Macomb</p> <p>24 Enforcement Team.</p> <p>25 Q. And what kind of work were you doing there?</p> <p style="text-align: center;">Page 14</p>
<p>1 A. We were investigating narcotics complaints.</p> <p>2 Q. And for how long did that last?</p> <p>3 A. Approximately four years.</p> <p>4 Q. And that would take us to what date?</p> <p>5 A. Either 2006 or -- it was about 2006, I believe.</p> <p>6 Q. All right. And from there?</p> <p>7 A. From there I went to the Richmond Post.</p> <p>8 Q. Where is Richmond?</p> <p>9 A. In Richmond, Michigan, on the east side south of</p> <p>10 Port Huron.</p> <p>11 Q. Is that also Macomb County?</p> <p>12 A. Yes, sir.</p> <p>13 Q. All right. And what was your assignment there?</p> <p>14 A. Again, I worked patrol, investigated complaints.</p> <p>15 Q. And for how long?</p> <p>16 A. Until the post was shut down.</p> <p>17 Q. And was that a budget decision?</p> <p>18 A. Yes.</p> <p>19 Q. And what year was that?</p> <p>20 A. 2011.</p> <p>21 Q. All right. And can you take us from 2011 to the</p> <p>22 present day?</p> <p>23 A. Once the post was shut down I was then assigned to</p> <p>24 the Lapeer Post located in Lapeer, Michigan. And</p> <p>25 then from there I transferred to the Flint Post.</p> <p style="text-align: center;">Page 15</p>	<p>1 From the Flint Post, I then transferred to the</p> <p>2 Metro North Post.</p> <p>3 Q. Can you give me the years of each just so I've got</p> <p>4 a chronology here? Just rough.</p> <p>5 A. Backwards. I got to the Metro North Post in 2014.</p> <p>6 I went to the Flint Post in 2013 for about eight</p> <p>7 months, so between 2011 and 2013 I was</p> <p>8 at -- assigned to Lapeer. I think it was like</p> <p>9 maybe July or August of 2013 until February of '14</p> <p>10 I was at Flint Post. And then from February 2014</p> <p>11 through April of 2014 I was at the Metro North</p> <p>12 Post.</p> <p>13 Q. All right. And just finish it up for us, if you</p> <p>14 can.</p> <p>15 A. And then April 2014, then I was assigned to the</p> <p>16 Sex Offender Registry Enforcement Unit.</p> <p>17 Q. And when you made that move, is that because you</p> <p>18 had experience doing that in some of your earlier</p> <p>19 postings, or was it all new for you?</p> <p>20 A. It was all new.</p> <p>21 Q. And was it one that you had requested, or one that</p> <p>22 you were assigned to?</p> <p>23 A. I was asked if I was interested in it.</p> <p>24 Q. And were you?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

BRENDA HOFFMAN

4/24/2023

<p>1 Q. Why?</p> <p>2 A. I'm sorry, why?</p> <p>3 Q. Why. Sure.</p> <p>4 A. It was something new.</p> <p>5 Q. And what was it that you did at -- when you joined</p> <p>6 that unit?</p> <p>7 A. I was assigned to be the second district regional</p> <p>8 coordinator.</p> <p>9 Q. And how many other people had positions like yours</p> <p>10 in the state at that time?</p> <p>11 A. At that time there were a total of four regional</p> <p>12 coordinators in the unit.</p> <p>13 Q. And was that unit considered part of the Sex</p> <p>14 Offender Registry Unit, or was it outside of that</p> <p>15 unit?</p> <p>16 A. In 2014 the Sex Offender Enforcement Unit was under</p> <p>17 the Sejuk{sp}, the criminal justice center side of</p> <p>18 things for the state police.</p> <p>19 Q. And was the SOR Unit also in the same overarching</p> <p>20 division?</p> <p>21 A. The Sex Offender Registry and the Sex Offender</p> <p>22 Registry Enforcement Unit were both under Sejuk.</p> <p>23 Q. Okay. And you can continue with your progress</p> <p>24 until today on the jobs.</p> <p>25 A. I've been in the Sex Offender Registry Enforcement</p> <p style="text-align: center;">Page 17</p>	<p>1 Unit since that time. The unit itself has been</p> <p>2 with different divisions within the state police.</p> <p>3 Q. All right. Would you describe the different</p> <p>4 divisions that the enforcement was moved to, and</p> <p>5 when and why?</p> <p>6 A. I don't know the exact date, but -- and I don't</p> <p>7 know the reason why it was changed. But it went</p> <p>8 from Sejuk Unit to -- I believe it was the</p> <p>9 Special Investigation Division, SID. I believe we</p> <p>10 were in that unit maybe approximately a year or so,</p> <p>11 but then I know in 2017 our unit was moved to the</p> <p>12 Special Operations Division in 2017.</p> <p>13 Q. And what does the Special Operations Division do</p> <p>14 other than the Sex Offender Enforcement Unit?</p> <p>15 MR. DAMICH: Objection. Form and</p> <p>16 foundation.</p> <p>17 MR. REINGOLD: If you know.</p> <p>18 THE WITNESS: The Special Operations</p> <p>19 Division has a variety of units; it has our</p> <p>20 emergency support team, it has our bomb squad, it</p> <p>21 has our aviation team, it has our K9 team, it has</p> <p>22 our marine services team, the dive team.</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. And is the emergency response team -- what -- what</p> <p>25 is that; I don't know what it covers.</p> <p style="text-align: center;">Page 18</p>
<p>1 MR. DAMICH: Same objection to form and</p> <p>2 foundation.</p> <p>3 THE WITNESS: Are you asking what the</p> <p>4 emergency support team is?</p> <p>5 MR. REINGOLD: Yes.</p> <p>6 THE WITNESS: Our emergency support</p> <p>7 team is a team of troopers and sergeants</p> <p>8 that -- it's like our SWAT team. They are called</p> <p>9 for high-risk situations.</p> <p>10 BY MR. REINGOLD:</p> <p>11 Q. And that's a big unit, right, that's tens of</p> <p>12 people, 45 people or something like that?</p> <p>13 A. I believe so, yes.</p> <p>14 Q. But you don't know why the Sex Offence Enforcement</p> <p>15 Unit was put into special operations?</p> <p>16 MR. DAMICH: Objection to form and</p> <p>17 foundation.</p> <p>18 THE WITNESS: That is a question for</p> <p>19 someone higher up than me.</p> <p>20 BY MR. REINGOLD:</p> <p>21 Q. All right. Were you consulted in any way, or was</p> <p>22 your opinion asked in that transition or not?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. All right. And through those moves did you</p> <p>25 remain in the same position that you had held, or</p> <p style="text-align: center;">Page 19</p>	<p>1 did there come a time where you changed -- your job</p> <p>2 changed?</p> <p>3 A. I -- In August of 2019 I promoted as the sergeant</p> <p>4 of the Sex Offender Registry Enforcement Unit.</p> <p>5 Q. And that was in 2017?</p> <p>6 A. No, August of 2019.</p> <p>7 Q. Of 2019. Okay.</p> <p>8 And is that the position that you held</p> <p>9 ever since?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Is your current position listed as the</p> <p>12 state-wide sex offender enforcement coordinator; is</p> <p>13 that fair?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. And as to chain of command, to whom do you</p> <p>16 report?</p> <p>17 A. My first lieutenant is Jason Bird, b-i-r-d.</p> <p>18 Q. I wasn't so interested in the name as much as the</p> <p>19 position. What position does that person hold?</p> <p>20 A. He is the first lieutenant of -- in the Special</p> <p>21 Operations Unit.</p> <p>22 Q. And do you have people under you in the</p> <p>23 Sex Offender Enforcement Unit who report to you?</p> <p>24 A. No.</p> <p>25 Q. And why is that?</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

BRENDA HOFFMAN

4/24/2023

<p>1 A. Because they never filled the vacancies. 2 Q. Were those the vacancies where you said there were 3 regional coordinators, and when you started there 4 were four slots, and you're saying today there are 5 no slots; is that right? 6 A. There are slots, but they are vacant. 7 Q. Right. And for how long have they been vacant? 8 A. Several years. 9 Q. All right. And is the -- Who makes the decision 10 whether to fill or not fill vacant slots, if you 11 know? 12 MR. DAMICH: Objection. Form and 13 foundation. 14 THE WITNESS: Someone higher than me. 15 BY MR. REINGOLD: 16 Q. For your unit do you know who it would be or not? 17 A. I know the positions have been asked to be filled, 18 but they have not been filled. 19 Q. And you -- When you say they've been asked, is that 20 by you, or you and others; and if so, whom? 21 A. I've asked them to be filled, and I've expressed 22 that to my lieutenant who I believe has told me he 23 expressed it to people higher than him. 24 Q. All right. And so far no luck; is that right? 25 A. Correct, they're still vacant.</p> <p style="text-align: center;">Page 21</p>	<p>1 Q. And do you know if this is a policy decision, or 2 again, is it more a funding decision? 3 MR. DAMICH: Objection. Form and 4 foundation. 5 THE WITNESS: I don't know. 6 BY MR. REINGOLD: 7 Q. Okay. Would you describe the relationship between 8 the SORA Unit itself and the SORA Enforcement Unit; 9 are you physically in the same place or not? 10 A. No, sir. 11 Q. And where are you and where are they? 12 A. What do you mean? 13 Q. To the extent that you have an office and they have 14 an office. I'm just trying to figure out -- 15 A. Okay. The SOR Unit -- the SOR registry -- the Sex 16 Offender Registry Unit is still housed under Sejuk, 17 and their houses when they do work in person are at 18 the state police headquarters. I am technically 19 assigned out of SOD. Our offices are in Lansing as 20 well, but at the SOD office. 21 Q. All right. And how do you interact with people in 22 the SOR unit; what are your jobs or parts of your 23 jobs that bring you in contact with them? 24 A. They will generally reach out to me if they give 25 any enforcement questions and pass them along to</p> <p style="text-align: center;">Page 22</p>
<p>1 me. We work together with the database called 2 M-SOR which is the Michigan Sex Offender Registry 3 Database. 4 Q. Anything else? 5 A. We communicate when they have -- when there's 6 questions about offenders, there's all sorts of 7 different communications, I guess. I don't know 8 really what you want me -- 9 Q. Maybe some examples would help. 10 A. If -- If someone from an agency calls and they have 11 a question about enforcement side of things, they 12 will either pass my name on to them or send me an 13 e-mail to say hey, a certain person may have some 14 questions, can you help them. 15 Q. All right. And when that happens, it's then your 16 responsibility to reach out to that person and 17 finish the correspondence; is that right? 18 A. Yes. 19 MR. REINGOLD: All right. Let's pull 20 up Exhibit A, which I will share to the best of my 21 ability. 22 MARKED FOR IDENTIFICATION 23 EXHIBIT A 24 9:30 a.m. 25 MR. REINGOLD: Is that now visible on</p> <p style="text-align: center;">Page 23</p>	<p>1 your screen? 2 THE WITNESS: No. 3 MR. REINGOLD: Is it now? 4 THE WITNESS: I see a Zoom. Is that 5 your screen? 6 MR. REINGOLD: No, it shouldn't be. 7 Let's see. Try again. It says I am share 8 screening, but apparently I am not. Let's try that 9 again. 10 MS. AUKERMAN: You were sharing your 11 screen before, Paul, I think you just had the wrong 12 window up. 13 MR. REINGOLD: Yeah, think that's 14 right. How about that one? 15 THE WITNESS: Yep. 16 MR. REINGOLD: Okay. This has been 17 marked -- or can be marked as 18 Plaintiff's Exhibit A, and it's probably easiest IF 19 I identify it. 20 It's labeled procedure manual 07-14, 21 Michigan State Police, Sex Offender Registry and 22 Enforcement, and it's purpose reads "this manual 23 procedures guidance and procedures on the 24 responsibilities of members responsible for sex 25 offender registration and enforcement."</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

BRENDA HOFFMAN

4/24/2023

<p>1 2 BY MR. REINGOLD: 3 Q. Is everything that I read accurate? 4 A. Yes, sir. 5 Q. And is this the document that you're familiar with? 6 A. Yes, sir. 7 Q. All right. And its effective date is April 19, 8 2022? 9 A. Yes, sir. 10 Q. All right. I'm going to slide down to section 2. 11 Can you see that clearly, is it big enough? 12 A. Yes, sir. 13 Q. Okay. Section 2 says in A, "the statewide sex 14 offender coordinator functions as the supervisor 15 for the Regional Sex Offender Coordinators, in 16 addition the SSOEC is responsible for the 17 following." 18 One is supervise the Sex Offender 19 Registry Enforcement regional coordinators. I take 20 it from your testimony so far that no longer 21 occurs; is that right? 22 A. Correct. As I said, they're vacant. 23 Q. I mean, when you started as the sergeant, were 24 there regional coordinators? 25 A. There was one left.</p> <p style="text-align: center;">Page 25</p>	<p>1 Q. Right. And as people left, were the 2 responsibilities that they were handling pushed off 3 on to those who remained? 4 A. Correct. 5 Q. And so now one person is doing the work of what 6 used to be five people; is that what you're saying? 7 A. Correct. 8 Q. So obviously -- I mean, you can't do the work that 9 five people did, so how did you tailor the job or 10 reconfigure the job to do what you think is the 11 most important work? 12 A. I try to look at the biggest priority and work at 13 one thing at a time. 14 Q. And at the moment can you list, say, your top 3 or 15 4 priorities? 16 A. The biggest priority I would say is to try to 17 locate the offenders who have not resurfaced since 18 the new law started on March 24th of 2021. Another 19 priority is we had a new database that was rolled 20 out in August 2021, that's still a work in progress 21 with getting that to work. Other priorities is 22 dealing with the various e-mails and calls I get 23 from the field. 24 Q. And is there a fourth that you would say is -- 25 A. Those three keep me pretty busy.</p> <p style="text-align: center;">Page 26</p>
<p>1 Q. Yeah, I know with being on the receiving end of 2 questions, that can be a full time job in itself. 3 You said that -- The first priority 4 that you listed at least had to do with getting 5 people back on the registry who might have dropped 6 off during covid; is that right? 7 A. Yeah, when I say "back on the registry," 8 they -- they're still on the registry, they just 9 have not reported for long periods of time, and 10 they definitely have not reported since the new law 11 started. 12 Q. And is some of that caused you think by confusion 13 about the new law as to who had the register and 14 who didn't, or was it people who had come off the 15 registry, or at least had not been told that, you 16 know, the law no longer applied or didn't get 17 notice or didn't know what they were suppose to do? 18 MR. DAMICH: Objection to form and 19 foundation. 20 MR. REINGOLD: You can answer if you're 21 able. 22 THE WITNESS: I think it's a 23 combination of things. I mean, everyone was 24 dealing with covid, the injunction. I think some 25 people were -- some people meaning</p> <p style="text-align: center;">Page 27</p>	<p>1 offenders -- were told information about whether or 2 not they were or were not on the registry. I think 3 offenders received the letters that we sent and 4 didn't understand them. 5 So I think it's a combination of 6 things, and I think there's some offenders who 7 weren't doing what they should have been doing for 8 even longer periods of time and they have just 9 continued to do so. So I think it's a combination 10 of reasons why some people have not -- when I say 11 "resurfaced," I mean they have not verified since 12 the new law. 13 I found going through lists of people 14 who haven't showed up -- I mean, some people have 15 died. I mean, that's probably a good reason why 16 they didn't have it shown up, you know? Or they 17 maybe moved out of state or they're incapacitated, 18 they may have some medical issues that is -- is 19 giving them problems to come in. So there's a 20 variety of reasons why some people have not come 21 in. 22 BY MR. REINGOLD: 23 Q. And you're making it a priority to try to get those 24 people back into compliance -- 25 A. Correct.</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

BRENDA HOFFMAN

4/24/2023

<p>1 Q. -- and officially you said they're on the registry, 2 but up to date on the registry? 3 A. Correct. 4 Q. The notice that went out to registrants I think was 5 similar to the notice that went out to the police, 6 that wasn't an easy document to understand. Right? 7 A. Are you asking me if I thought it was an easy 8 document? 9 Q. Yes. I said it was not an easy document to 10 understand. I was asking if you agree? 11 A. I had to read it slowly. 12 Q. Okay. And at the end did you think you understood 13 it or not? 14 A. Yes, I understood it. 15 Q. Okay. All right. Let's look at some of the things 16 that at least according to the -- to Exhibit A, are 17 within your bailiwick as it were. 18 The second thing that's listed here is 19 that you're suppose to be liaison with 20 U.S. Marshal's Sex Offender Investigation Branch. 21 Can you describe what that entails? 22 A. At one time when I first became -- got in the unit, 23 I worked a lot with U.S. Marshals. I was actually 24 even deputized with them. We would work on various 25 sex offender investigations, and we would focus on</p> <p style="text-align: center;">Page 29</p>	<p>1 those as well as any possible federal sex offender 2 investigations. 3 Q. So the U.S. Marshal's office would either bring you 4 in or would consult with you on federal cases, and 5 then what other kinds of cases that were nonfederal 6 did they consult with you about? 7 A. We would work together on various -- I would say 8 state cases of possible state violations for the 9 Sex Offender Registry. 10 Q. And why would the U.S. Marshals be involved in 11 that? 12 A. The U.S. -- One of the U.S. Marshal's duties are to 13 investigate federal Sex Offender Registry 14 violations. 15 Q. So does that mean the state violation might also be 16 a federal violation; is that the connection? 17 A. It could be. 18 Q. Can you give an example of something that wasn't 19 that and wasn't a federal crime but where 20 U.S. Marshals were involved? 21 A. I'm sorry, can you repeat that? 22 Q. Yes. Can you give me an example of something that 23 wasn't an underlying federal crime, and wasn't one 24 where the state violation might be a federal 25 violation, but the -- the Marshal's Office was</p> <p style="text-align: center;">Page 30</p>
<p>1 still involved? 2 MR. DAMICH: Objection to form and 3 foundation. 4 THE WITNESS: I guess I don't know what 5 you're asking. We would focus on Sex Offender 6 Registry violations either federally, or they would 7 assist for, you know, state violations. 8 BY MR. REINGOLD: 9 Q. All right. What I'm really asking is the 10 U.S. Marshal's Office has the authority to assist 11 whether or not there's a federal issue in the 12 crime? 13 MR. DAMICH: Objection to foundation. 14 THE WITNESS: They would assist us on 15 some of our state investigations. 16 BY MR. REINGOLD: 17 Q. All right. And was that usually initiated by them 18 or by you? 19 A. We would work together. 20 Q. I guess I'm still not understanding why federal 21 authorities could be brought in or call you in on a 22 state case; can you explain that? 23 MR. DAMICH: Objection to foundation. 24 THE WITNESS: I believe it was just 25 like working hand in hand. It was a collaborative</p> <p style="text-align: center;">Page 31</p>	<p>1 effort between the Federal U.S. Marshals and State, 2 and that happens a lot with -- with law enforcement 3 agencies. We sometimes work together on various 4 cases. 5 BY MR. REINGOLD: 6 Q. Okay. That's an answer. All right. 7 What about number 3, monitor the 8 SOR Most Wanted website. Is that a website that's 9 a private website or a public website? 10 A. That no longer exists, that was taken down. 11 Q. And did it come down from the transfer of the old 12 program to M-SOR, or was it for a different reason? 13 A. I don't recall -- That was definitely taken down 14 before the transfer of the new databases. Is that 15 what you said? 16 Q. Yes. 17 A. Yeah, it was taken down before that. 18 Q. And do you know who made the decision to take it 19 down, if you know? 20 A. I don't know who made that decision. 21 Q. And again, is that a decision that you were 22 consulted or had input on or not? 23 A. No. 24 Q. All right. When it was in operation, do you know 25 if it was a private or a public website?</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

BRENDA HOFFMAN

4/24/2023

<p>1 A. It was public.</p> <p>2 Q. And do you know if it came down because it wasn't</p> <p>3 being used, or it was -- or was it -- was this also</p> <p>4 a funding issue?</p> <p>5 A. I don't know the reasons why it was taken down for</p> <p>6 sure. You'd have to ask whoever made that decision</p> <p>7 in the state police.</p> <p>8 Q. Okay. When it was operational was it mostly used</p> <p>9 by MSP members, that is police, or was it -- if you</p> <p>10 know, was it mostly used by the public?</p> <p>11 MR. DAMICH: Objection to form and</p> <p>12 foundation.</p> <p>13 THE WITNESS: I can't determine who was</p> <p>14 using it. I know we would use it to try to work on</p> <p>15 those targets to try to find.</p> <p>16 BY MR. REINGOLD:</p> <p>17 Q. And what was it about that website that could help</p> <p>18 you find people?</p> <p>19 A. I think it just got, you know, there was a list of</p> <p>20 offenders who we decided that, you know, we haven't</p> <p>21 been able to find them for some time, and maybe by</p> <p>22 putting them on this list would maybe alert someone</p> <p>23 in the public to see them and possibly give us</p> <p>24 information to try to track them down.</p> <p>25 Q. All right. And -- But that's -- It's no longer</p> <p style="text-align: center;">Page 33</p>	<p>1 available as a tool for you. Right?</p> <p>2 A. Correct.</p> <p>3 Q. What about 4, oversight of statewide enforcement</p> <p>4 issues -- initiatives. What I'm asking here is</p> <p>5 other than sweeps and residents checks, because I</p> <p>6 want to get to those later, can you give us</p> <p>7 examples of some statewide enforcement initiatives?</p> <p>8 A. You're wanting me to include sweeps and residents</p> <p>9 checks, which are the same things in my mind?</p> <p>10 Q. Yes. Apart from those, are there other things that</p> <p>11 you had categorized as statewide enforcement</p> <p>12 initiatives?</p> <p>13 A. I oversee the various tips that are submitted on</p> <p>14 the public website. Those may turn into</p> <p>15 enforcement issues upon investigation.</p> <p>16 Q. And those have been submitted by the public?</p> <p>17 A. Correct.</p> <p>18 Q. All right. Anything else that would fit under</p> <p>19 statewide enforcement initiatives?</p> <p>20 A. No, sir.</p> <p>21 Q. Okay. And the tips, that's just using the -- the</p> <p>22 M-SOR programming, you can pull up whatever people</p> <p>23 have entered by way of tips, it doesn't involve</p> <p>24 collaboration with local law enforcement or</p> <p>25 anything, it's just whatever the public puts into</p> <p style="text-align: center;">Page 34</p>
<p>1 the tip line?</p> <p>2 A. Correct.</p> <p>3 Q. All right. Did you -- For number 5, were you</p> <p>4 active in providing SOR Enforcement -- or are you</p> <p>5 active in providing SOR Enforcement trainings in</p> <p>6 the field?</p> <p>7 A. I have not for several years.</p> <p>8 Q. And why is that?</p> <p>9 A. Well, obviously covid happened; that totally</p> <p>10 changed a lot of things. But prior to that due to</p> <p>11 just our lack of resources as well by not having</p> <p>12 enough people in the unit we -- we took a step back</p> <p>13 from doing enforcement trainings.</p> <p>14 Q. When the new law passed, were there trainings done</p> <p>15 by you or you -- or your unit in addition to any</p> <p>16 trainings put on by the SOR unit itself?</p> <p>17 A. There were online trainings for the new database</p> <p>18 done by the Sex Offender Registry unit.</p> <p>19 Q. And did you have a role in that, or not?</p> <p>20 A. I -- They were all online. I -- I attended most of</p> <p>21 them, but it was mainly for -- It was not to answer</p> <p>22 enforcement questions, it was just to basically</p> <p>23 stand by. It was more for -- Those trainings were</p> <p>24 for how to utilize the new database.</p> <p>25 Q. That was the -- about a two-hour training; is that</p> <p style="text-align: center;">Page 35</p>	<p>1 right?</p> <p>2 A. Correct.</p> <p>3 Q. And do you know how many people were trained in</p> <p>4 those trainings?</p> <p>5 A. I don't have a number for that; no, sir.</p> <p>6 Q. Okay. And do you know how many people were trained</p> <p>7 in addition on the intricacies of SOR 21, the new</p> <p>8 law?</p> <p>9 MR. DAMICH: Objection to form and</p> <p>10 foundation.</p> <p>11 THE WITNESS: I did no trainings</p> <p>12 regarding the new law. I don't know if anyone else</p> <p>13 did throughout the state, but I have not done any</p> <p>14 trainings.</p> <p>15 BY MR. REINGOLD:</p> <p>16 Q. Okay. And are you aware of other trainings by</p> <p>17 other units?</p> <p>18 A. I heard recently over on the west side of the state</p> <p>19 there was some -- some trainings by -- I don't even</p> <p>20 know who did it, but they were doing some</p> <p>21 trainings. I mean, I don't have control of who</p> <p>22 does trainings throughout the state on this.</p> <p>23 Q. All right. And as far as the SOR unit and</p> <p>24 the -- the SOR enforcement unit was concerned, was</p> <p>25 part of the reason that there was no training on</p> <p style="text-align: center;">Page 36</p>

9 (Pages 33 to 36)

BRENDA HOFFMAN

4/24/2023

<p>1 the 21 law that the new law remained so similar to 2 the old law? 3 MR. DAMICH: Objection, foundation. 4 THE WITNESS: Sorry, repeat that 5 question? 6 MR. REINGOLD: Yeah. 7 BY MR. REINGOLD: 8 Q. Was part of the reasoning that there wasn't 9 concentrated training, or it sounds like any 10 training on the new law, was that because the new 11 law remained so much the same as the old law? 12 MR. DAMICH: Same objection. 13 THE WITNESS: Do I need to answer that? 14 MR. REINGOLD: Yes. 15 THE WITNESS: There just was not 16 training done for it because of the new law. 17 BY MR. REINGOLD: 18 Q. I'm asking for most of the provisions, isn't it 19 true that no training would have been necessary 20 because it didn't change? 21 MR. DAMICH: Objection, foundation. 22 THE WITNESS: There were things that 23 were changed in the new law that were different 24 from the previous. There was some things that were 25 similar, some things this were different.</p> <p style="text-align: center;">Page 37</p>	<p>1 MR. REINGOLD: All right. Let's take a 2 look at Exhibit F, which will take just a second to 3 pull up. This can be marked as Exhibit F. 4 MARKED FOR IDENTIFICATION 5 EXHIBIT F 6 1:26 p.m. 7 MR. REINGOLD: This is director's 8 memorandum dated March 24, 2021, from the director 9 of Michigan State Police. 10 BY MR. REINGOLD: 11 Q. March 24th, 2021, is that the day that the new SOR 12 went into effect? 13 A. I'm sorry, am I suppose to be looking at something? 14 Q. Oh, I'm sorry. I forgot to share it. Thank you. 15 A. I see it now, sir. 16 Q. Okay. Great. You see it's dated March 24, 2021. 17 Is that the day that the new law took effect? 18 A. Yes, sir. 19 Q. And the subject is "enforcement of Michigan Sex 20 Offender Registration Act," and in the first 21 paragraph in the highlighted first three points, 22 doesn't Director Gasper lay out the major changes 23 to SORA, namely the elimination of the student 24 safety zones, the prohibition of tearing, and the 25 elimination of certain in-person requirements?</p> <p style="text-align: center;">Page 38</p>
<p>1 A. Yes, that's what's listed there. 2 Q. Okay. And those are the only major changes that 3 Colonel Gasper included in the memo. Right? 4 A. You're looking at the same memo I'm looking at, 5 that's what he wrote. 6 Q. Okay. And each -- I'll stop sharing and we will 7 pull up Exhibit A again. 8 At each Michigan State Police post, is 9 everyone expected to learn the new M-SOR program, 10 or is that assigned just to a few people? 11 MR. DAMICH: Objection to form and 12 foundation. 13 MR. REINGOLD: You can answer. 14 THE WITNESS: The program is out there 15 for everyone to utilize and learn. 16 BY MR. REINGOLD: 17 Q. And do you know about how many people at each post 18 learn it? 19 A. I do not. 20 Q. How many people are at a typical MSP post, troopers 21 I mean? 22 A. I have no idea what counts are at each post on 23 average. 24 Q. At the post that you've been at, how many other 25 troopers?</p> <p style="text-align: center;">Page 39</p>	<p>1 A. At the posts I've worked at in the past? 2 Q. Yes. 3 A. It varies from post to post. The Metro North Post 4 was, at the time, a large post. There was at least 5 50 or 60 troopers if not more that worked out of 6 there. 7 Q. Okay. And at that time how many people did 8 Sex Offender Registry work directly? 9 MR. DAMICH: Objection to foundation. 10 THE WITNESS: I have no idea. 11 BY MR. REINGOLD: 12 Q. All right. So your testimony is you don't really 13 have a clue how many people learned the program or 14 how many people actually do registration at any 15 given post? 16 A. No, I don't have an exact number for you. 17 Q. I'm not asking for an exact number. I'm asking if 18 you have an approximate percentage of how many 19 people would become adept to the program and would 20 be used as registration takers or verification 21 takers at the post, a percentage of people at the 22 post? 23 A. Well, I would say there needs to be at least one 24 person who knows how to do it since offenders can 25 register at a state police post. I don't have a</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

BRENDA HOFFMAN

4/24/2023

<p>1 percentage. I would say there needs to be at least</p> <p>2 one or two that know how to do it, if not more.</p> <p>3 Every post is different, and I -- I -- I don't</p> <p>4 know.</p> <p>5 Q. All right. Do you know if it's a popular thing for</p> <p>6 people to want to do?</p> <p>7 MR. DAMICH: Objection to foundation.</p> <p>8 THE WITNESS: What's your definition of</p> <p>9 "popular"?</p> <p>10 MR. REINGOLD: Where people say "oh, I</p> <p>11 can't wait to sign up," or is it viewed as a boring</p> <p>12 job that nobody wants to do?</p> <p>13 THE WITNESS: I can't speak --</p> <p>14 MR. REINGOLD: Let's say that fewer</p> <p>15 people want to do. Sorry. I didn't mean to speak</p> <p>16 over you.</p> <p>17 MR. DAMICH: Same objection.</p> <p>18 THE WITNESS: I can't answer that. I</p> <p>19 don't know what people's -- what they think is</p> <p>20 popular or what they want to do.</p> <p>21 BY MR. REINGOLD:</p> <p>22 Q. All right. Is it your understanding that the</p> <p>23 percentage of people who do it in any post is</p> <p>24 likely to be on the low end rather than on the high</p> <p>25 end; we're talking 0 to 10 percent rather than 90</p> <p style="text-align: center;">Page 41</p>	<p>1 to 100 percent?</p> <p>2 MR. DAMICH: Objection, lacks</p> <p>3 foundation.</p> <p>4 THE WITNESS: I mean, is your question</p> <p>5 about like how many people register people at the</p> <p>6 post or --</p> <p>7 MR. REINGOLD: Yes.</p> <p>8 BY MR. REINGOLD:</p> <p>9 Q. In order to register them, I'm assuming they have</p> <p>10 to know the program. Right?</p> <p>11 A. Correct.</p> <p>12 Q. So they have to be trained on the program. So I'm</p> <p>13 asking at a typical post what's the percentage of</p> <p>14 people who are involved in that training and done</p> <p>15 that work to be able to do that work?</p> <p>16 A. Again, I don't have the percentage. Generally the</p> <p>17 people who do the registering are usually the</p> <p>18 people who are sitting at the desk, the desk</p> <p>19 sergeant, because everyone else is working the road</p> <p>20 and doing complaints.</p> <p>21 So unless you're sitting the desk,</p> <p>22 you're most likely not going to be the one who is</p> <p>23 registering an offender when he or she comes into</p> <p>24 the post.</p> <p>25 Q. All right. All right. You've already said a</p> <p style="text-align: center;">Page 42</p>
<p>1 little bit about number 6, resolving</p> <p>2 enforcement-related questions. Do you do this both</p> <p>3 for MSP members and for local law enforcement?</p> <p>4 A. Yes, I do both.</p> <p>5 Q. And about how many per week do you get, calls and</p> <p>6 e-mails, let's say contacts per week, from branches</p> <p>7 of law enforcement?</p> <p>8 A. It can vary depending on the week or depending</p> <p>9 on -- it can vary.</p> <p>10 Q. On average?</p> <p>11 A. Anywhere from on the low end of 50 to 4- to 500.</p> <p>12 Q. Okay. Is there a website that's set up that also</p> <p>13 is designed to answer questions for members and</p> <p>14 local law enforcement?</p> <p>15 A. There's our state police public website. I haven't</p> <p>16 been on it recently to see if there's -- if it has</p> <p>17 frequently asked questions or not. I think it may</p> <p>18 have that.</p> <p>19 Q. When people call or text or e-mail you with</p> <p>20 questions, is your impression that they've been to</p> <p>21 a website or that they're going to the horse's</p> <p>22 mouth first thing?</p> <p>23 MR. DAMICH: Foundation.</p> <p>24 THE WITNESS: It can vary. I don't ask</p> <p>25 them "did you check the website first?" I just try</p> <p style="text-align: center;">Page 43</p>	<p>1 to help them.</p> <p>2 BY MR. REINGOLD:</p> <p>3 Q. Yeah. It's safe to say that if they did check the</p> <p>4 website first, they wouldn't be calling you if they</p> <p>5 got an answer. Right?</p> <p>6 A. I would think if the answer was there, they</p> <p>7 wouldn't need to call me. Correct.</p> <p>8 Q. Okay. Do you also get questions from registrants?</p> <p>9 A. Yes.</p> <p>10 Q. And how do they get to you?</p> <p>11 A. They somehow get my number. Which is fine, I have</p> <p>12 no problems speaking with anyone.</p> <p>13 Q. And does the SOR unit also refer questions from</p> <p>14 registrants to you, or are these people -- they</p> <p>15 just find you on their own?</p> <p>16 A. I don't know how people get my number.</p> <p>17 Q. All right. And do you answer their questions as</p> <p>18 well?</p> <p>19 A. I do try my best, yes, whenever anyone contacts me.</p> <p>20 Q. Do you know if registrants call the SOR unit</p> <p>21 itself, is there someone there who is assigned to</p> <p>22 answer questions?</p> <p>23 A. Offenders do call the SOR unit.</p> <p>24 Q. But is there someone assigned to answer questions</p> <p>25 there, or are they going to be told to go talk to a</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

BRENDA HOFFMAN

4/24/2023

<p>1 lawyer?</p> <p>2 MR. DAMICH: Objection, foundation.</p> <p>3 THE WITNESS: I don't know. There are</p> <p>4 people that do answer the phones at the SOR</p> <p>5 registration, and sometimes those phone calls are</p> <p>6 from offenders, and I would think that they would</p> <p>7 do their best to assist them with their questions.</p> <p>8 If it's something that is outside their</p> <p>9 scope, then I would assume they don't answer</p> <p>10 anything that's outside their scope of knowledge.</p> <p>11 BY MR. REINGOLD:</p> <p>12 Q. All right. Let's turn to long-term absconders.</p> <p>13 Initially does this issue fall within</p> <p>14 the jurisdiction where the absconder lives; what</p> <p>15 I'm asking is will both the Michigan State Police</p> <p>16 and local law enforcement be involved, or does it</p> <p>17 start with one or the other?</p> <p>18 MR. DAMICH: Objection, form and</p> <p>19 foundation.</p> <p>20 THE WITNESS: So the SOR law is a</p> <p>21 statewide law that can be enforced by anyone</p> <p>22 throughout the state, not just the state police.</p> <p>23 So those type of investigations could start from</p> <p>24 local county or state police.</p> <p>25 BY MR. REINGOLD:</p> <p style="text-align: center;">Page 45</p>	<p>1 Q. All right. And if someone has been charged or</p> <p>2 convicted or placed on probation or parole for a</p> <p>3 non-sex offense and they abscond, how do MSP</p> <p>4 officers go about trying to find -- when we don't</p> <p>5 have -- when it's not a sex offender?</p> <p>6 MR. DAMICH: Objection to form and</p> <p>7 foundation.</p> <p>8 THE WITNESS: I don't know the answer</p> <p>9 to that.</p> <p>10 BY MR. REINGOLD:</p> <p>11 Q. Are there tools that are available for them to do</p> <p>12 that?</p> <p>13 A. For people who have absconded for parole and</p> <p>14 probation?</p> <p>15 Q. Yes, people who have been charged with an offense</p> <p>16 or awaiting trial or whatever it is.</p> <p>17 A. So I know there may be times that say our fugitive</p> <p>18 teams may work with MDOC to do -- if there's an</p> <p>19 arrest warrant for someone who has a warrant that</p> <p>20 is not a sex crime, I know MSP has worked, you</p> <p>21 know, with MDOC on that.</p> <p>22 I know sometimes just as a trooper I</p> <p>23 could -- you could run warrants in your area. If</p> <p>24 you had maybe a slow day and you wanted to try to</p> <p>25 track someone down, you could use your resources</p> <p style="text-align: center;">Page 46</p>
<p>1 and run warrants from your area. And if those</p> <p>2 warrants were from MDOC for probation or parole</p> <p>3 violation, I could investigate them that way.</p> <p>4 Q. And is there access to public and nonpublic</p> <p>5 databases that might help you find somebody who is</p> <p>6 missing in action like that?</p> <p>7 A. For people who are not on the registry?</p> <p>8 Q. Yes.</p> <p>9 A. I'm not aware of another type of registry database</p> <p>10 for any other type of crimes.</p> <p>11 Q. Okay. I'm going to share my screen again. Are you</p> <p>12 able to see this document which is marked as</p> <p>13 Exhibit C?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay.</p> <p>16 MARKED FOR IDENTIFICATION</p> <p>17 EXHIBIT C</p> <p>18 10:07 p.m.</p> <p>19 BY MR. REINGOLD:</p> <p>20 Q. And this is an operational procedure, it's number</p> <p>21 SOR-OP-304 on tracking of absconders. And then it</p> <p>22 says "this procedure establishes the method to use</p> <p>23 when tracking absconders from the Sex Offender</p> <p>24 Registry."</p> <p>25 Let's go down to number 5. So this is</p> <p style="text-align: center;">Page 47</p>	<p>1 for people who are registry absconders as opposed</p> <p>2 to any other non-sex-offense absconders. But are</p> <p>3 the tools available to the Michigan State Police</p> <p>4 for any kind of search?</p> <p>5 You can take a moment to read through</p> <p>6 5A and B.</p> <p>7 A. So all state police do have access to LEIN which is</p> <p>8 the Law Enforcement Information Network --</p> <p>9 Q. And that includes queries that can go to the</p> <p>10 Department of Health and Human Services, to the</p> <p>11 Secretary of State, to NLETS -- the National Law</p> <p>12 Enforcement Telecommunications System --</p> <p>13 A. Correct.</p> <p>14 Q. -- an to NCIC, right, the National Crime</p> <p>15 Information Center?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And all of those don't have information only on</p> <p>18 people who committed sex offenses, they have</p> <p>19 information on all -- all criminals, isn't that</p> <p>20 right, or all people -- some of them all people?</p> <p>21 A. The Law Enforcement Information Network has a</p> <p>22 variety of information that you could get from it.</p> <p>23 Q. What I was asking earlier, I didn't mean to trick</p> <p>24 you, I was just trying to get information.</p> <p>25 My understanding is if you're looking</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

BRENDA HOFFMAN

4/24/2023

<p>1 for an armed burglar -- or an armed robber who has</p> <p>2 absconded, and you're just a line officer in</p> <p>3 Michigan State Police, you have access to all of</p> <p>4 these databases, and in most of your days when</p> <p>5 you're doing your investigation this is where</p> <p>6 you're going to be going; isn't that right?</p> <p>7 A. Correct. So let me just maybe then correct myself.</p> <p>8 When you were asking me if there were other</p> <p>9 databases or -- I thought you were asking if there</p> <p>10 was other types of registries like the sex</p> <p>11 offender --</p> <p>12 Q. I understand. No, I didn't think you were avoiding</p> <p>13 me. I was trying to clarify.</p> <p>14 A. So yes. Everyone --</p> <p>15 Q. Go ahead.</p> <p>16 A. No, you go.</p> <p>17 Q. Just to summarize, again, all of these databases</p> <p>18 are available to troopers, and these are the kinds</p> <p>19 of databases they use all the time in</p> <p>20 investigating?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. And will you say a little bit about the last</p> <p>23 one, number 5B, the last one, TLO it's called, and</p> <p>24 it has both an intelligence report and a media</p> <p>25 search. What is TLO, you tell me?</p> <p style="text-align: center;">Page 49</p>	<p>1 A. TLO stands for the last one. It's a resource.</p> <p>2 I -- I don't know for sure if all troopers have</p> <p>3 access to that or not. I mean, I do have access to</p> <p>4 it. I think it has become more mainstream for</p> <p>5 troopers to have it, but it's another resource that</p> <p>6 we can use to try to find information on people</p> <p>7 that -- that we're trying to locate.</p> <p>8 Q. And is TLO one that's available to law enforcement</p> <p>9 only, or is that a public website?</p> <p>10 A. I'm not for sure.</p> <p>11 Q. And the main network allows queries. So I take it</p> <p>12 you can do a query that would cover DHS, the</p> <p>13 Secretary of State, SOS, and number 3, NLETS, and</p> <p>14 number 4, NCIC in a single query; is that right?</p> <p>15 A. In the Law Enforcement Information Network you can</p> <p>16 do a variety of queries. You wouldn't be able to</p> <p>17 run all these of those in one query, they would</p> <p>18 have to be run separate.</p> <p>19 Q. Okay. I'm asking about this because during those</p> <p>20 two, I spoke to one of the MSP reps who was</p> <p>21 attending the legislative workgroup meetings that</p> <p>22 we had when we were working on trying to come up</p> <p>23 with a consensus about a new law, and I asked if he</p> <p>24 was familiar with the registry program that was</p> <p>25 being used at the time, and if he used it. I'm</p> <p style="text-align: center;">Page 50</p>
<p>1 blocking on the name of the previous program before</p> <p>2 M-SOR.</p> <p>3 A. Offender Watch.</p> <p>4 Q. What was it called?</p> <p>5 A. Offender Watch.</p> <p>6 Q. Offender Watch. That was it.</p> <p>7 I was a little surprised by his answer</p> <p>8 because he told me that nearly all the MSP members</p> <p>9 he knew used the regular databases to conduct their</p> <p>10 investigation searches because those were the ones</p> <p>11 they used the most, and knew how to use, and they</p> <p>12 were familiar using them from their other cases.</p> <p>13 And so what he was telling me was if he</p> <p>14 needed to find a registrant, it's not like he would</p> <p>15 go to the registry because he didn't know how to</p> <p>16 use it, so he would go here.</p> <p>17 So what I want to know is, is that your</p> <p>18 experience as well, what he was telling me; does</p> <p>19 that jive with your experience?</p> <p>20 MR. DAMICH: Objection to form and</p> <p>21 foundation.</p> <p>22 THE WITNESS: I can't answer to what</p> <p>23 everyone's education is or what their knowledge is</p> <p>24 with the different resources out there. There's</p> <p>25 resources out there just like with any job. I</p> <p style="text-align: center;">Page 51</p>	<p>1 think it's best to educate yourself on what</p> <p>2 resources are out there. If he didn't use the</p> <p>3 register try then he's missing out on more</p> <p>4 information, because there's nor information on the</p> <p>5 registry than just running someone through lien.</p> <p>6 BY MR. REINGOLD:</p> <p>7 Q. In addition to the ones that were above, there's</p> <p>8 another -- number 3 to number 15, other places that</p> <p>9 people can go besides the registry to find people.</p> <p>10 Right?</p> <p>11 I'm looking at numbers 3 through 15.</p> <p>12 A. There are a variety of other --</p> <p>13 Q. Sorry, I didn't mean to talk over you. I said are</p> <p>14 those all other ways to get information not through</p> <p>15 the Sex Offender Registry?</p> <p>16 A. Correct.</p> <p>17 Q. All right. And if someone has absconded, by</p> <p>18 definition a registrant has absconded, by</p> <p>19 definition it means the information about that</p> <p>20 person on the registry as to address, quality of</p> <p>21 job, things like that, is out of date because</p> <p>22 otherwise you'd be able to find them quickly.</p> <p>23 Right?</p> <p>24 A. Correct.</p> <p>25 Q. All right. Is it your experience that the M-SOR is</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

BRENDA HOFFMAN

4/24/2023

<p>1 mostly used by field officers to create and update</p> <p>2 the registry and to flag noncompliant registrants?</p> <p>3 MR. DAMICH: Objection to form and</p> <p>4 foundation.</p> <p>5 THE WITNESS: Can you ask that question</p> <p>6 again?</p> <p>7 MR. REINGOLD: Yes.</p> <p>8 BY MR. REINGOLD:</p> <p>9 Q. Isn't it true that most of the time what the M-SOR</p> <p>10 program is primarily used for -- I'm rephrasing</p> <p>11 slightly -- is to create and update the registry</p> <p>12 and to flag noncompliant registrants?</p> <p>13 MR. DAMICH: Again, same objection.</p> <p>14 Form and foundation.</p> <p>15 THE WITNESS: The database can be used</p> <p>16 for a variety of reasons, registering someone is</p> <p>17 one of them. You can also use it for</p> <p>18 investigations as well.</p> <p>19 BY MR. REINGOLD:</p> <p>20 Q. That didn't answer my question. I asked if its</p> <p>21 primary use is for creating and updating the</p> <p>22 registry and flagging noncompliant ones?</p> <p>23 MR. DAMICH: Same objection.</p> <p>24 THE WITNESS: I guess what's your</p> <p>25 definition of "primary"? I mean, offenders have to</p> <p style="text-align: center;">Page 53</p>	<p>1 come in and verify depending on their months that</p> <p>2 they have to come in, so when they come in, the</p> <p>3 database is used to do that.</p> <p>4 So if you want -- I guess it's the</p> <p>5 primary thing, I mean, they do that probably more</p> <p>6 often than investigations. You're going to verify</p> <p>7 and register more people than you're probably going</p> <p>8 to do investigations on them.</p> <p>9 BY MR. REINGOLD:</p> <p>10 Q. Right. Because if there's 45,000 people on the</p> <p>11 registry, there's only going to be 5,000 or 6,000</p> <p>12 who are noncompliant. Right?</p> <p>13 A. I don't know what the numbers are, but I mean, to</p> <p>14 answer your question it is used to verify people</p> <p>15 when they come in and verify.</p> <p>16 Q. All right. And all of the other sources that we've</p> <p>17 been looking at here allow you, if you know how to</p> <p>18 use them, to find things like whether or not a</p> <p>19 person has a car, whether or not someone has a</p> <p>20 bridge card, and if so you can get an address.</p> <p>21 Right?</p> <p>22 A. Those are all investigative tools.</p> <p>23 Q. Right. But what I'm saying at what that means at</p> <p>24 the bottom is that the state has other ways to get</p> <p>25 information about people other than by having them</p> <p style="text-align: center;">Page 54</p>
<p>1 reported on a registry. Right?</p> <p>2 A. Correct.</p> <p>3 Q. All right. Let's ask a little bit about</p> <p>4 international travel restrictions. Can you -- Have</p> <p>5 I -- CAN you see the manual again?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. Great.</p> <p>8 Describe what you do as to this</p> <p>9 subsection, if anything. This is number 8.</p> <p>10 A. Mm-hmm. If I happen to get any tips or information</p> <p>11 on someone possibly traveling overseas, then I</p> <p>12 would reach out to my contacts to see, to confirm</p> <p>13 if they have in fact traveled overseas and didn't</p> <p>14 report that.</p> <p>15 Q. As to overseas travel, is this one more likely to</p> <p>16 be something that's proactive where you're reaching</p> <p>17 out, or is it -- does it more often come to you and</p> <p>18 you're learning that somebody's traveled abroad and</p> <p>19 returned and didn't do the things that they were</p> <p>20 suppose to do?</p> <p>21 A. It could be both. It could be both.</p> <p>22 Q. And what kinds of steps do you take to investigate</p> <p>23 one of these cases?</p> <p>24 A. I would generally first reach out to my contacts</p> <p>25 with ICE or border patrol.</p> <p style="text-align: center;">Page 55</p>	<p>1 MR. REINGOLD: Okay. Let's take a look</p> <p>2 at Exhibit D. This is what will be marked as</p> <p>3 Exhibit D. It's an operational procedure</p> <p>4 SOR-OP-328, it's dated November 18, 2019, and it's</p> <p>5 titled "International Travel." The purpose is to</p> <p>6 establish the steps to be taken when an offender</p> <p>7 reports a move or temporary visit to another</p> <p>8 country.</p> <p>9 MARKED FOR IDENTIFICATION</p> <p>10 EXHIBIT D</p> <p>11 10:20 a.m.</p> <p>12 BY MR. REINGOLD:</p> <p>13 Q. Is that all accurate?</p> <p>14 A. So can I just clarify? This is a procedure for the</p> <p>15 registry unit, not the enforcement unit.</p> <p>16 Q. That may well be. But does that -- Is it what I</p> <p>17 said it is with that clarification?</p> <p>18 A. It looks like it's a procedure through the -- the</p> <p>19 Sex Offender Registry unit regarding international</p> <p>20 travel.</p> <p>21 Q. Okay. Yeah. And part of what it does is show at</p> <p>22 paragraph three what has to be done if a person is</p> <p>23 going to be leaving the country for more than seven</p> <p>24 days. Right?</p> <p>25 This is sort of a SOR unit instruction</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

BRENDA HOFFMAN

4/24/2023

<p>1 for how you process such a case; is that what it</p> <p>2 appears to be to you?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. And it's a lot. Right? I mean, if you look</p> <p>5 at number three, the person has to get into M-SOR,</p> <p>6 select reports, select the travel notification,</p> <p>7 add -- go into Word, add as much information as</p> <p>8 possible based on the notes, and this was under the</p> <p>9 old offender launch program, but now it's the new</p> <p>10 program.</p> <p>11 They have to do all of that, and then</p> <p>12 they have to wait because they can't enter it until</p> <p>13 the date has occurred when the person is going to</p> <p>14 leave. In addition, number four, we can't change</p> <p>15 their status to inactive until the date the person</p> <p>16 leaves, and then we have to import that record into</p> <p>17 the Michigan State Police account, we have to</p> <p>18 change the offender's status, we have to uncheck</p> <p>19 the published website box if it's checked, we have</p> <p>20 to enter notes in the international travel form,</p> <p>21 upload the international travel form, check the box</p> <p>22 labeled clear offender NCIC record, and then save</p> <p>23 and close the record. Right?</p> <p>24 All of that has to be done for somebody</p> <p>25 going overseas for more than seven days; is that</p> <p style="text-align: center;">Page 57</p>	<p>1 right?</p> <p>2 MR. DAMICH: Objection to form and</p> <p>3 foundation.</p> <p>4 THE WITNESS: So this is an old</p> <p>5 procedure. I don't know what the date of this is</p> <p>6 because it's saying Offender Watch, and how things</p> <p>7 are done in Offender Watch and how things are done</p> <p>8 in M-SOR are different.</p> <p>9 BY MR. REINGOLD:</p> <p>10 Q. But isn't it true that almost all things in</p> <p>11 number 3 and number 4 aren't required by the</p> <p>12 program, but are required by other notifications</p> <p>13 that have to be made to other people; like when</p> <p>14 you're clearing the offender NCIC record, that has</p> <p>15 to be done no matter what program you're in, or if</p> <p>16 you're uploading the international travel form, you</p> <p>17 have to upload it no matter what program you're in,</p> <p>18 the same for many of these. Isn't that right?</p> <p>19 MR. DAMICH: Objection to form and</p> <p>20 foundation.</p> <p>21 THE WITNESS: This is not anything that</p> <p>22 I would do in my form of the job as far as document</p> <p>23 stuff. This is more of a registry thing to keep</p> <p>24 the record up to date to determine that someone</p> <p>25 actually like left and is not coming back, from how</p> <p style="text-align: center;">Page 58</p>
<p>1 I'm reading it. Like they left the country. So</p> <p>2 that's more of a question for the registry than me.</p> <p>3 BY MR. REINGOLD:</p> <p>4 Q. Well, number 3 says if the offender is going to be</p> <p>5 gone from his residence for more than seven days</p> <p>6 this is what you do -- or rather -- 4 rather.</p> <p>7 Strike that.</p> <p>8 Number 4, this is for people who are</p> <p>9 required to report international travel 21 days in</p> <p>10 advance. Not that they're moving, just that</p> <p>11 they're traveling. All those things would have to</p> <p>12 be done.</p> <p>13 A. You're showing me a stale procedure.</p> <p>14 Q. So you don't know if it still has to be done pretty</p> <p>15 much the same way under M-SOR?</p> <p>16 A. Correct. I would -- I would refer that question to</p> <p>17 the registry as what their new procedures are with</p> <p>18 the new database.</p> <p>19 Q. Okay. But to the extent that anything in this</p> <p>20 requires reporting to other agencies or steps to</p> <p>21 input data, those things would remain unchanged.</p> <p>22 Right?</p> <p>23 A. I'm not sure.</p> <p>24 Q. Okay. And whatever the steps are, whether it's</p> <p>25 Offender Watch or M-SOR, all of these procedures</p> <p style="text-align: center;">Page 59</p>	<p>1 apply to all registrants if they're going to be</p> <p>2 gone from the country for 21 days; is that right?</p> <p>3 A. All offenders who are on Michigan's registry have</p> <p>4 the same duties and responsibilities.</p> <p>5 Q. Okay. And in fact it doesn't matter regardless of</p> <p>6 their age or health or how long they were</p> <p>7 incarcerated or their Static-99 scores as to their</p> <p>8 risk of re-offending; is that true?</p> <p>9 A. Again, all offenders who are on Michigan's Sex</p> <p>10 Offender Registry have the same duties and</p> <p>11 responsibilities.</p> <p>12 Q. Okay. And that means in a case like this where</p> <p>13 someone is going abroad for more than seven days if</p> <p>14 you had a registrant who was 80 years old,</p> <p>15 permanently ill, and going to Mexico for eight days</p> <p>16 for experimental surgery, which no one would do in</p> <p>17 the United States, this form would have to be done?</p> <p>18 MR. DAMICH: Objection to form and</p> <p>19 foundation.</p> <p>20 THE WITNESS: The offender would have</p> <p>21 to comply with what his duties and responsibilities</p> <p>22 are.</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. And when you wind up having to do the same thing</p> <p>25 for everyone with a one-size-fits-all registry,</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

BRENDA HOFFMAN

4/24/2023

<p>1 then it means you have to input all this data on 2 the outgoing route and redo it on the incoming 3 route even for people who, like my example would be 4 an 80-year old terminal old man, going away for 5 eight days; you still have to do it all because you 6 have a one-size-fits-all registry? 7 MR. DAMICH: Objection to form of the 8 question. 9 THE WITNESS: Correct. No matter what 10 someone's age, their health issues, whether their 11 birthday is in February or whatever, they have the 12 same duties and responsibilities. 13 BY MR. REINGOLD: 14 Q. Of the approximately 35,000 un-incarcerated people 15 on Michigan's registry, about how many report 16 travel abroad for more than seven days in a given 17 calendar year, do you know? 18 A. I don't know. 19 Q. Is that a figure you could get from the registry 20 assuming people notify the registry and the 21 registry saved the information? 22 A. I don't know. That would be a question to ask more 23 of the registry side to see if that could be ran. 24 Q. And same for interstate travel that lasts longer 25 than seven days, any idea how many report that in a</p> <p style="text-align: center;">Page 61</p>	<p>1 given year? 2 A. No. 3 Q. And that too, is that something that could be 4 retrieved assuming the person registered the travel 5 and reported his return? 6 A. It could be. I -- I don't know for sure. 7 Q. Okay. 8 A. I don't know how easy it would be to get it. 9 Q. All right. And then the last -- In the list of 10 duties that are assigned to the sergeant in charge 11 of the sex offender enforcement unit is to provide 12 guidance to the emergency support team on 13 SOR Enforcement. Has that ever come up for you? 14 A. Yes. 15 Q. Can you give an example of that? 16 A. When I was moved -- or not I. When the SOR unit 17 was moved under SOD, part of the reasons we were 18 told we were moved is to have the emergency support 19 team to help with SOR Enforcement measures. 20 Q. Have there been occasions since then where 21 emergency support team was needed or was called in 22 for SOR enforcement? 23 A. Yes. 24 Q. How many that you can recall? 25 A. I can't recall. I mean, I don't have a number for</p> <p style="text-align: center;">Page 62</p>
<p>1 you. 2 Q. And what was it that they were called in to do? 3 A. They were to assist with helping with the tips. 4 And in the past we did do residents checks, or 5 sweeps as I would call them, to assist with those. 6 Q. I thought you had told me that the emergency 7 support team was more like a SWAT unit, but now 8 you're saying they also enlisted on residence 9 checks; is that right? 10 A. The emergency support team's main job is to do the 11 main duties of the emergency support team, which is 12 SWAT. When they first became full time in 2017 it 13 was determined that they may have some extra time 14 on their hands to assist with SOR Enforcement. 15 Q. All right. And is that still true today or not? 16 A. They are a very busy team, and their first focus is 17 their emergency support team duties, and they 18 assist with limited SOR Enforcement. 19 Q. All right. Let's address sweeps now. Let me just 20 hold on a minute and see if I have anything -- 21 MS. AUKERMAN: Do you mind if we take a 22 quick break? 23 MR. REINGOLD: That's fine. Let's go 24 off the record for a few minutes. 25 (Off the record at 10:32 a.m.)</p> <p style="text-align: center;">Page 63</p>	<p>1 (On the record at 10:37 a.m.) 2 BY MR. REINGOLD: 3 Q. We were just about to move to sweeps, but I have 4 one other question. 2.2 in the procedural manual 5 shows the responsibilities of the regional sex 6 offender enforcement coordinators, and it looks 7 like, I mean, their assignments in the past were 8 very similar to yours. 14 different 9 things -- yeah, 14 different things that they're 10 suppose to do. 11 And just to be clear, everything on 12 this page is now done by you alone; is that right? 13 A. I can't say I do everything on this page, no, 14 because I'm only one person. 15 Q. Yeah. Okay. 16 A. I wish I could. 17 Q. But -- And to the extent that they're not being 18 done by you, they're not being done at all. Right? 19 A. I don't know. I mean, other -- other posts or 20 other agencies could be doing enforcement on their 21 own. As I said, it's a statewide law. 22 Q. Right. But it's not being done by the sex offender 23 unit that you run? 24 A. Correct. 25 Q. All right. All right. So I want to turn to</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

BRENDA HOFFMAN

4/24/2023

<p>1 sweeps. Just to bring us up to speed, can you</p> <p>2 describe what sweeps are?</p> <p>3 A. So I would define a sweep as basically it's a</p> <p>4 residence check for compliance or noncompliance for</p> <p>5 offenders who are on Michigan's registry.</p> <p>6 Q. And how is a sweep initiated?</p> <p>7 A. We usually have funding through grants or through</p> <p>8 U.S. Marshals which would be a way where we could</p> <p>9 pay for enforcement members to assist with that.</p> <p>10 An area would be determined to do this sweep in,</p> <p>11 and then we would gather targets, meaning</p> <p>12 offenders, who are in that designated area to focus</p> <p>13 doing a residence check on.</p> <p>14 Q. All right. And in initiating a sweep like this,</p> <p>15 does the motivation or the actual initiation come</p> <p>16 out of your office, or does it come from local law</p> <p>17 enforcement reaching out to you and saying, you</p> <p>18 know, we haven't done a sweep in a year, we want to</p> <p>19 do one, will you help us?</p> <p>20 A. It could be both, yes.</p> <p>21 Q. And do you have like a schedule of, you know, where</p> <p>22 you want to sweep and when you want to sweep so</p> <p>23 that you too can be saying to local law</p> <p>24 enforcement, you know, it's been two years, are you</p> <p>25 ready, are you willing, that sort of thing?</p> <p style="text-align: center;">Page 65</p>	<p>1 A. Are you saying now do I have a schedule?</p> <p>2 Q. Yes.</p> <p>3 A. I don't have any set schedule for -- I don't have</p> <p>4 any set schedule.</p> <p>5 Q. And did you in the past?</p> <p>6 A. We had more of one, I'd say yes.</p> <p>7 Q. All right. Back when we were doing discovery in</p> <p>8 Doe's 1, it was clear that the enforcement unit was</p> <p>9 partnering with local law enforcement on an annual</p> <p>10 basis for sweeps around the state often at the same</p> <p>11 time, like over a two-week period. Were you around</p> <p>12 when any of that was happening?</p> <p>13 MR. DAMICH: Objection to form and</p> <p>14 foundation.</p> <p>15 THE WITNESS: We did sweeps in the</p> <p>16 past. It wasn't limited to just a two-week period</p> <p>17 during the year.</p> <p>18 BY MR. REINGOLD:</p> <p>19 Q. And when was it that it wasn't limited to two weeks</p> <p>20 during the year; what years are you talking about?</p> <p>21 A. Well, I've been in the unit since 2014, so I can</p> <p>22 only speak from then on. There wasn't just like</p> <p>23 a -- it wasn't like March Madness with basketball</p> <p>24 where it was just a certain time of the year. We</p> <p>25 would just set them up as we had the time and</p> <p style="text-align: center;">Page 66</p>
<p>1 resources.</p> <p>2 Q. All right. And if we go from let's say 2014 to the</p> <p>3 beginning of -- the end of 2019 because covid hit</p> <p>4 in early 2020.</p> <p>5 So if we go to 2014 to 2019, what's</p> <p>6 changed in the way that the sweeps were done over</p> <p>7 those five to six years?</p> <p>8 A. Can you clarify what you're asking? I guess I'm</p> <p>9 confused on what you're asking me.</p> <p>10 Q. Yeah. You said that you used to do more sweeps and</p> <p>11 that they -- they weren't done all at the same time</p> <p>12 as I suggested they had been back in 2013 when we</p> <p>13 were taking deposition of Doe's 1, and so I want to</p> <p>14 know what has changed about the number of sweeps,</p> <p>15 who is involved, who plans them, who carries them</p> <p>16 out, from 2014 when you first started being</p> <p>17 involved in these until the end of 2019 when covid</p> <p>18 put a kibosh on it?</p> <p>19 MR. DAMICH: Object to the form and</p> <p>20 also the foundation of the question as well.</p> <p>21 THE WITNESS: I'm sorry. Maybe I'm</p> <p>22 just having a Monday on a Monday. You're asking</p> <p>23 what's changed between 2014 --</p> <p>24 MR. REINGOLD: Maybe I should break it</p> <p>25 down for you.</p> <p style="text-align: center;">Page 67</p>	<p>1 THE WITNESS: Okay. All right.</p> <p>2 BY MR. REINGOLD:</p> <p>3 Q. In each of the years from 2013 to 2019</p> <p>4 approximately, was it rising, was it declining,</p> <p>5 what were the numbers?</p> <p>6 A. I don't have the numbers off the top of my head,</p> <p>7 and I do not know any of the specifics from 2013 as</p> <p>8 I was not in the unit.</p> <p>9 Q. No, I said from 2014 on.</p> <p>10 A. Okay. I thought you said 2013.</p> <p>11 Q. Sorry. If I did, I misspoke.</p> <p>12 A. Okay. I don't have the specific numbers at the top</p> <p>13 of my head.</p> <p>14 Q. Was the effort throughout those years from 2014 to</p> <p>15 2019 pretty consistent; if there was funding, isn't</p> <p>16 it true that you did as many sweeps as you could,</p> <p>17 and viewed this as an effective way to enforce</p> <p>18 SORA?</p> <p>19 MR. DAMICH: Objection to form.</p> <p>20 THE WITNESS: We have found that sweeps</p> <p>21 were extremely effective with the enforcement</p> <p>22 measures, and we would do as many as we could with</p> <p>23 the resources and funding that we had.</p> <p>24 BY MR. REINGOLD:</p> <p>25 Q. And -- But for SORA, would you have continued doing</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

BRENDA HOFFMAN

4/24/2023

<p>1 them in 2019, 2020, 2021, and 2022?</p> <p>2 A. I'm sorry, did you say "but for SORA"?</p> <p>3 Q. But for covid. I'm sorry.</p> <p>4 A. Yeah, obviously covid changed a lot of things.</p> <p>5 Q. All right. And is there now a plan -- again,</p> <p>6 funding permitting -- to re-engage as these were,</p> <p>7 and bring them back online?</p> <p>8 MR. DAMICH: Objection, lack of</p> <p>9 foundation.</p> <p>10 THE WITNESS: Did you say "bring back</p> <p>11 online"?</p> <p>12 MR. REINGOLD: I didn't mean literally</p> <p>13 online. I mean to bring them back into the fold as</p> <p>14 a tool for SORA enforcement?</p> <p>15 THE WITNESS: Yes, we do special</p> <p>16 funding, and I'm currently working on -- I'm</p> <p>17 working on the property of the offenders who have</p> <p>18 not resurfaced since the new law to try to see what</p> <p>19 happened with them. So those are what I'm focusing</p> <p>20 on.</p> <p>21 BY MR. REINGOLD:</p> <p>22 Q. And sweeps would be a major tool then to promote</p> <p>23 one of your top priorities?</p> <p>24 A. Correct. That would be a resource that I would use</p> <p>25 to try to help work on that property.</p> <p style="text-align: center;">Page 69</p>	<p>1 Q. All right. And when it comes to funding for this,</p> <p>2 how is the funding divided; like if you're doing a</p> <p>3 joint sweep with local law enforcement, maybe</p> <p>4 federal officers you said might be involved.</p> <p>5 Did they have -- First, do you need</p> <p>6 specific dollars for this, or can you -- like you</p> <p>7 eluded to earlier -- if you're lucky, like borrow</p> <p>8 people from special operation's emergency response</p> <p>9 team without having to pay for them?</p> <p>10 MR. DAMICH: Objection to form and</p> <p>11 foundation.</p> <p>12 THE WITNESS: In the past we have</p> <p>13 received grand funding through the smart grant.</p> <p>14 Some of that funding was put on hold because of</p> <p>15 covid. You know, that money is used to pay for the</p> <p>16 participating members that work on these sweeps,</p> <p>17 and that funding is to be utilized for MSP</p> <p>18 personnel.</p> <p>19 BY MR. REINGOLD:</p> <p>20 Q. All right. So the funding you're getting is going</p> <p>21 to cover MSP involvement in the sweep. Do you know</p> <p>22 if the local law enforcement or the feds also need</p> <p>23 specific funding or sweeps, or can they do it just</p> <p>24 out of their normal daily time and abilities?</p> <p>25 MR. DAMICH: Object to lack of</p> <p style="text-align: center;">Page 70</p>
<p>1 foundation.</p> <p>2 MR. REINGOLD: If you know.</p> <p>3 THE WITNESS: I have done sweeps before</p> <p>4 with U.S. Marshals where they provided funding to</p> <p>5 do the sweeps.</p> <p>6 BY MR. REINGOLD:</p> <p>7 Q. And were they paying MSP people, or was that for</p> <p>8 their own money?</p> <p>9 A. I know that they have paid for MSP personnel as</p> <p>10 well as local departments in the past with previous</p> <p>11 sweeps.</p> <p>12 Q. And with your grants, are you able to follow money</p> <p>13 across to local law enforcement or under the feds,</p> <p>14 or is it as you suggested earlier, only MSP?</p> <p>15 MR. DAMICH: Objection to foundation.</p> <p>16 THE WITNESS: The funding that I have</p> <p>17 for the smart grant is only to be used for MSP</p> <p>18 personnel.</p> <p>19 BY MR. REINGOLD:</p> <p>20 Q. And about how much -- Have the smart grants been</p> <p>21 for sweeps over the last, again, from 2016 to 2019?</p> <p>22 A. I'm sorry, ask that question again, please.</p> <p>23 Q. Yeah. How much of the smart grant was for sweeps</p> <p>24 from 2016 to 2019 roughly?</p> <p>25 A. I don't have an exact number on that.</p> <p style="text-align: center;">Page 71</p>	<p>1 Q. Okay. If those grants were \$400,000 a piece, do</p> <p>2 you know what your piece of the pile was?</p> <p>3 A. My understanding of the smart grants is that there</p> <p>4 was an enforcement side of the grant and a registry</p> <p>5 side of the grant. So what I would be -- well,</p> <p>6 what our unit would be given was broken down by a</p> <p>7 certain amount of money which would equal an</p> <p>8 approximate number of hours to be used.</p> <p>9 I will say some of the grants, you</p> <p>10 know, when they were calculated and applied for,</p> <p>11 the amount of what a trooper would cost per hour,</p> <p>12 what a sergeant would cost per hour, you know, has</p> <p>13 increased because we have received some pay raises.</p> <p>14 So it's not an exact -- just for</p> <p>15 example, like 200 trooper hours equal \$100,000.</p> <p>16 I'm just throwing a number out there. You know,</p> <p>17 it's not an exact number now per se because of the</p> <p>18 change in pay rates.</p> <p>19 Q. Right. And does that figure also include in the</p> <p>20 hourly rate benefits as opposed to just salary?</p> <p>21 MR. DAMICH: Objection, foundation.</p> <p>22 THE WITNESS: My understanding is that</p> <p>23 the pay rate that's calculated does include like</p> <p>24 the benefit side of things and such. That's my</p> <p>25 understanding. That's more of a question I guess</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

BRENDA HOFFMAN

4/24/2023

<p>1 for the accounting side of things.</p> <p>2 BY MR. REINGOLD:</p> <p>3 Q. Right. And is there a figure -- Is there like a</p> <p>4 minimum figure that you need -- actually, strike</p> <p>5 that.</p> <p>6 You said that you're trying to get</p> <p>7 trooper hours basically to -- from the MSP side of</p> <p>8 any sweep, when you do that because you don't have</p> <p>9 staff directly of your own, do you also have to be</p> <p>10 shopping this out; I mean, you're saying to</p> <p>11 troopers we want to do a sweep, this is "X" amount</p> <p>12 of money we got, are they going to get extra money</p> <p>13 to do this, is that how they're going to be</p> <p>14 participating?</p> <p>15 Long question, but give it a try.</p> <p>16 A. So when organizing a sweep after the location is</p> <p>17 determined, that would obviously depend on what</p> <p>18 area in the state we would be in, and what post</p> <p>19 area that would cover. For MSP when there's</p> <p>20 overtime that's going to be offered to a worksite</p> <p>21 that has to be sent through the channels of the</p> <p>22 post, and then it has to be -- I mean, say for</p> <p>23 example we were going to do a two-day sweep</p> <p>24 in -- in Lansing.</p> <p>25 A day would constitute an eight-hour</p> <p style="text-align: center;">Page 73</p>	<p>1 day, so there would be -- and say we were going to</p> <p>2 do two days where we needed four troopers each day.</p> <p>3 So whoever was organizing the sweep would contact</p> <p>4 the post, and say we're looking at doing a sweep in</p> <p>5 Lansing with our MSP troopers, we have eight hours</p> <p>6 to give to four troopers a day.</p> <p>7 So 8 times 4 is 32 hours for two days.</p> <p>8 32 times 2 is 64. We have 64 hours to offer to</p> <p>9 work this detail. How MSP does it, is if there's</p> <p>10 overtime given to a post they have to post that for</p> <p>11 troopers to say "yes" or "no," they want to work</p> <p>12 that sweep.</p> <p>13 And then there's like an</p> <p>14 overtime-equalization thing that the post-admin</p> <p>15 person would have to figure out who would be</p> <p>16 assigned to that sweep. And then they would say</p> <p>17 Trooper Smith, Trooper Jones, Trooper Brown,</p> <p>18 Trooper White, you're working on Monday this sweep</p> <p>19 and, you know, four other troopers are working it</p> <p>20 the next day.</p> <p>21 Q. So it sounds like it's an easy recruitment tool and</p> <p>22 a good one, and there's fairness on their end</p> <p>23 because you said of the sort of equalization of how</p> <p>24 the overtime falls. That's how it works?</p> <p>25 A. Correct.</p> <p style="text-align: center;">Page 74</p>
<p>1 Q. All right. Do you participate directly in some of</p> <p>2 the sweeps?</p> <p>3 A. Yes.</p> <p>4 Q. For you, is it an overtime job or not?</p> <p>5 A. Some of it is, yes.</p> <p>6 Q. Okay. How do you decide whom to target for the</p> <p>7 sweeps?</p> <p>8 A. Well, again, that can vary. But usually what we</p> <p>9 would try to do is focus on offenders who haven't</p> <p>10 come in to verify. Again, they -- for whatever</p> <p>11 reason they're not coming in when they should. So</p> <p>12 the goal, again, you know, the -- one of the</p> <p>13 reasons for the registry is to know where offenders</p> <p>14 are living, and if they're still there or not.</p> <p>15 So if they're not command, why are they</p> <p>16 not coming in? So we would, generally once the</p> <p>17 area was determined where we were going to work,</p> <p>18 then we would focus more on those offenders who</p> <p>19 were not -- who had failed to verify and were not</p> <p>20 coming in.</p> <p>21 Q. All right. So again, looking at the Exhibit A, C,</p> <p>22 can you see that?</p> <p>23 A. Mm-hmm. Yes, sir.</p> <p>24 Q. Is this an accurate -- This is 2.2C in the manual.</p> <p>25 Is this still a current and accurate set of</p> <p style="text-align: center;">Page 75</p>	<p>1 priorities for targets of people who are</p> <p>2 noncompliant for sweeps?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. The last item under C is random residence</p> <p>5 checks. When you're doing the sweeps, is there a</p> <p>6 time for that; I mean, do you include residence</p> <p>7 checks, or is there at this point enough to do that</p> <p>8 you're almost always going after known targets with</p> <p>9 known addresses?</p> <p>10 A. I would say there's times where we would do what</p> <p>11 you call a random residence check. There would be</p> <p>12 times where we would also do random residences</p> <p>13 check when we're out there.</p> <p>14 Q. Is that the situation like you're near a house or</p> <p>15 next door to one and you say, you know, what the</p> <p>16 heck, we're going across the street or next door?</p> <p>17 A. Correct.</p> <p>18 Q. Yeah. Okay. And I saw in one document, I can't</p> <p>19 remember where, that sometimes when sweeps are</p> <p>20 completed or nearly done, another category of</p> <p>21 people that you might include would be homeless</p> <p>22 folks who are on the registry. Is that something</p> <p>23 that you're continuing to do?</p> <p>24 A. To do a homeless sweep?</p> <p>25 Q. Yes.</p> <p style="text-align: center;">Page 76</p>

BRENDA HOFFMAN

4/24/2023

<p>1 A. I don't recall ever setting up an actual homeless 2 sweep. It's -- It's kind of actually hard to 3 coordinate that because -- 4 Q. This wasn't referring to a dedicated homeless 5 sweep, but it sounded like it was an add-on, you 6 know, if there was time at the end of the day. But 7 it sounds like you're not familiar with that having 8 been done; is that right? 9 A. It could have been. I mean, if there was someone 10 homeless in Lansing, I mean, really the only way to 11 find them is if they maybe said "hey, I'm homeless 12 and I'm living down by the river in van." I mean, 13 we could go check that river. But homeless 14 offenders are very hard to do a residence sweep 15 because they don't have a residence per se. 16 Q. Yeah. Okay. All right. And the actual work of 17 the sweep, is it basically going house to house 18 either to the last known address or whatever has 19 come up on the tip line or any other source, or 20 you're basically checking homes to see if people 21 who are noncompliant by virtue of not having 22 reported when they're suppose to as to address, 23 that's the way it goes; it's house checking? 24 A. A normal sweep would be going to the last 25 registered address of the offender to see if he or</p> <p style="text-align: center;">Page 77</p>	<p>1 she is living there. 2 Q. All right. And most of these sweeps, are you 3 teamed with local law enforcement so it's -- in 4 your example -- the four troopers who were doing 5 this? 6 A. It can vary. I mean, usually you have two people 7 working together just for safety measures. 8 Q. What I'm asking is if you're going to put the 9 resources together to do a sweep, do you want to do 10 as big of one as you can; is there a benefit to 11 that? 12 MR. DAMICH: Objection, foundation. 13 THE WITNESS: I mean, there's 14 differences with sweeps. We had smaller ones, we 15 had larger ones. It just -- I mean, obviously with 16 the larger one you're going to have more targets, 17 obviously with the larger one it's going to take 18 more time to coordinate it and get all the 19 resources there, and it will take more money. 20 So it can vary -- Sweeps would vary as 21 far as the size and the resources and the length of 22 time that it took to do them. 23 BY MR. REINGOLD: 24 Q. But either way, whether it's big or small, would 25 you describe it as your best tool to find</p> <p style="text-align: center;">Page 78</p>
<p>1 absconders? 2 A. Doing residence checks was a -- is a great tool to 3 see whether or not the information we have on our 4 registry is accurate. 5 MR. REINGOLD: At the end of the 6 sweep -- Let's take a look at Exhibit E. I'm using 7 what's been marked as Exhibit E which is a document 8 titled "Sex Offender Sweep Findings." 9 MARKED FOR IDENTIFICATION 10 EXHIBIT E 11 11:01 a.m. 12 BY MR. REINGOLD: 13 Q. I don't know if this is a current form or not. Do 14 you know if this is still the current form that's 15 being used? 16 A. I haven't used any forms lately so I don't have 17 anything current, but this appears to be something 18 that was used in the past. 19 Q. Okay. And when that sweep is completed, there's a 20 box near the bottom of the first page called 21 "data entry." And it shows two lead checkboxes 22 which is "make an offender compliant" and the other 23 is "make an offender noncompliant." 24 Would you describe what those actually 25 mean; I mean, I have a sense of it, but I don't</p> <p style="text-align: center;">Page 79</p>	<p>1 really know how this gets reported or what it is 2 that the person is doing. 3 A. Can you tell me when you got this form? 4 Q. This came from the Michigan State Police through 5 discovery. It looks like it was given to us 6 January 10th, 2023, and I believe this was the only 7 form that was given to us, and we probably asked 8 for all forms going back a certain number of 9 years -- which is why I believe it's current -- but 10 it doesn't have a date on it, I don't think. No, 11 there's no date on it. 12 A. Can I see the whole form? 13 Q. Sure. 14 A. Is there more? 15 Q. That's it. 16 A. Well, this is obviously an old form because one of 17 the violations it's showing is a school SSZ, which 18 stands for school safety zone. So this is 19 definitely a form that was used prior to 20 March 24th of 2021. 21 Q. I'm sure that's correct. 22 A. I'm just telling you, this is not a form that's 23 been used or utilized since the new law started. 24 Q. All right. Since there haven't been sweeps in the 25 last few years, we're asking about how this was</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

BRENDA HOFFMAN

4/24/2023

<p>1 done in the past. What did it mean for an officer</p> <p>2 to make the offender compliant; I think they know</p> <p>3 what that means, but what does it mean to make them</p> <p>4 noncompliant when they're already listed as</p> <p>5 noncompliant?</p> <p>6 A. Well, two things. They -- In a sweep going in, the</p> <p>7 offender may have been made -- been marked</p> <p>8 noncompliant for a reason. And maybe when we met</p> <p>9 with them we were able to -- So say for example</p> <p>10 they were marked noncompliant for not having their</p> <p>11 palm prints on file, which would be a violation.</p> <p>12 We actually had or have mobile palm</p> <p>13 print machines, so sometimes what we would do is we</p> <p>14 would go do the residence check, "hey, you've never</p> <p>15 got your palm prints done. We've got this here</p> <p>16 right now, let's make it easy and get them done."</p> <p>17 And then at the end they would then be</p> <p>18 compliant because we had their palm prints on file.</p> <p>19 So we could then make them compliant at the end</p> <p>20 because we have completed getting their palm</p> <p>21 prints.</p> <p>22 Q. If someone is noncompliant across several</p> <p>23 measurements here, like they failed to verify, they</p> <p>24 don't have a palm print, and you know they have a</p> <p>25 vehicle that hasn't been reported, would all of</p> <p style="text-align: center;">Page 81</p>	<p>1 those show up on the registry, or is there like a</p> <p>2 lead one that is put on the registry?</p> <p>3 A. If -- If an offender is marked as noncompliant for</p> <p>4 a violation, then those violations would be marked</p> <p>5 on -- are you saying the public registry?</p> <p>6 Q. Yes, on the public registry.</p> <p>7 A. They would be marked on the public registry if they</p> <p>8 are a published offender.</p> <p>9 Q. Okay. All right. And then one of the other boxes</p> <p>10 above is "active warrants, felonies, misdemeanors,"</p> <p>11 and so on.</p> <p>12 When you're doing a sweep and someone</p> <p>13 is, you know, noncompliant for whatever reason, do</p> <p>14 you give them a chance to fix it as you said with</p> <p>15 the palm print, or can you also chose to simply</p> <p>16 say, you know, too bad, too late, you know, we're</p> <p>17 issuing a warrant or arresting you or whatever it</p> <p>18 is you might do; how do you make that decision?</p> <p>19 A. So I feel like you've asked a couple questions in</p> <p>20 there. You were first asking about object warrants</p> <p>21 up above, and then you were asking about -- so</p> <p>22 which one do you want me to answer first?</p> <p>23 Q. Yes. Let me ask you, how do you decide when to let</p> <p>24 an offense slide and when to go forward</p> <p>25 with -- towards prosecution?</p> <p style="text-align: center;">Page 82</p>
<p>1 MR. DAMICH: Objection, form and</p> <p>2 foundation.</p> <p>3 THE WITNESS: So I can only speak for</p> <p>4 me. If I was doing investigation and doing a</p> <p>5 residence check, and if they were already marked as</p> <p>6 noncompliant, you know, they may or may not be</p> <p>7 marked as noncompliant, but then when I go to the</p> <p>8 house I may discover through the investigation that</p> <p>9 they are not compliant for a variety of reasons.</p> <p>10 But my experience with doing these</p> <p>11 sweeps if someone was noncompliant and I could get</p> <p>12 them back on their feet, so to say, whether it be</p> <p>13 the palm prints or they have to verify -- so maybe</p> <p>14 they missed verifying last month.</p> <p>15 Well, when I go to the house I'm told,</p> <p>16 you know, "hey, last month he was hit by the truck,</p> <p>17 and he has been bedridden while trying to</p> <p>18 recuperate;" that's the reason why he didn't come</p> <p>19 in. I may at that time not taken enforcement</p> <p>20 action based on that information.</p> <p>21 BY MR. REINGOLD:</p> <p>22 Q. So that's at least what I would call a</p> <p>23 discretionary decision. Correct?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And I take it every officer who's doing</p> <p style="text-align: center;">Page 83</p>	<p>1 sweeps -- state or local or MSP or federal -- they</p> <p>2 also have discretion to decide whether they're</p> <p>3 going to, in effect, bring the person into</p> <p>4 compliance and charge them for the violation?</p> <p>5 MR. DAMICH: Object to form and</p> <p>6 foundation.</p> <p>7 THE WITNESS: Correct. There's</p> <p>8 discretion.</p> <p>9 BY MR. REINGOLD:</p> <p>10 Q. All right. If somebody's on probation or parole,</p> <p>11 is your discretion limited in any way?</p> <p>12 A. If someone's on probation or parole, how I describe</p> <p>13 it is you have two sets of parents; you have one</p> <p>14 parent with one set of rules, and the SOR is your</p> <p>15 other parent with a different set of rules. You</p> <p>16 may have similar rule, but probation or parole may</p> <p>17 have more strict rules than say the SORA registry</p> <p>18 or vice versa.</p> <p>19 So if I was going to violate someone</p> <p>20 that's on probation or parole, I could do a</p> <p>21 violation through the state. And if probation or</p> <p>22 parole wishes to violate them for their probation</p> <p>23 or parole violation, then they could do that as</p> <p>24 well.</p> <p>25 Q. Do you have any obligation -- If it's someone who</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

BRENDA HOFFMAN

4/24/2023

<p>1 is on parole or probation for a sex offense, do you 2 have an obligation to notify of probation or 3 parole, or is that the registrant's obligation? 4 MR. DAMICH: Objection, foundation. 5 THE WITNESS: I would say I would work 6 with probation or parole any time I could. A lot 7 of times probation or parole may have just done a 8 residence check at their probation or parolee's 9 house. So we try not to reinvent the wheel, and we 10 wouldn't use our resources for other people who 11 haven't been recently checked. 12 BY MR. REINGOLD: 13 Q. I'm asking a completely different question. I'm 14 asking if you've got someone who is noncompliant 15 for failure to register, and as in your example you 16 can kind of let it go by and let them register 17 right now, or, you know, insist that they go with 18 you or go in tomorrow, however you want to cure it, 19 or you can go forward towards prosecution. 20 What I'm asking is if they're on parole 21 or probation for a sex offense, would you then 22 necessarily get in contact with their probation or 23 parole officer to let them know of the violation? 24 MR. DAMICH: Objection, form and 25 foundation.</p> <p style="text-align: center;">Page 85</p>	<p>1 THE WITNESS: So I just first want to 2 clarify. You said "fail to register." Did you 3 mean failure to verify? 4 MR. REINGOLD: Yeah, failure to verify. 5 THE WITNESS: If I knew that someone 6 was on probation or parole, then I would try to 7 reach out to the probation or parole and let them 8 know what I had going on with their probationer or 9 parolee. 10 BY MR. REINGOLD: 11 Q. All right. And they would make their own decision 12 as to what they wanted to do? 13 A. Right. You would share information. I can't say I 14 did it every single time, but if I knew they were 15 on probation or parole -- I don't automatically 16 know that someone's on probation or parole, that 17 would be a common question I would ask to someone. 18 And they may be on probation or parole for 19 something else besides a sex offense. 20 Q. All right. I'm just consulting my notes to get 21 back to my place. 22 When you're doing residence checks on a 23 sweep like this, you said it's a very effective way 24 to get people back where they should be. Of the 25 people whom you see if -- let's say you saw 100</p> <p style="text-align: center;">Page 86</p>
<p>1 people or you did 100 checks, what's the rough 2 noncompliant rate? 3 MR. DAMICH: Objection to form and 4 foundation. 5 THE WITNESS: I don't have an answer 6 for that. That would vary from area to area as 7 well. 8 MS. AUKERMAN: I think you're still 9 screen sharing. You may just want to end that. 10 MR. REINGOLD: Oh, I will. Thanks. 11 BY MR. REINGOLD: 12 Q. There are statistics done from the sweeps; isn't 13 that right? 14 A. Correct. 15 Q. In fact, at the end of the sweep you're required to 16 turn in a form that shows the number of people who 17 were checked, the number of people who were 18 noncompliant, the number of warrants issued, the 19 number of people who were arrested; the data is all 20 there. Right? 21 A. That would be something that would be compiled at 22 the end, yes. 23 Q. Not only would it be compiled, but it would also go 24 down to a unit that would share it with the public. 25 Right?</p> <p style="text-align: center;">Page 87</p>	<p>1 MR. DAMICH: Objection to foundation. 2 THE WITNESS: What unit are you saying 3 it was sent to? 4 BY MR. REINGOLD: 5 Q. Isn't there a press release issued at the end of 6 every sweep? 7 A. There was press releases released. 8 Q. And that's to be able to, in effect, say to the 9 public "we're monitoring all these scary people"? 10 MR. DAMICH: Objection, form. 11 THE WITNESS: I think it's a way to 12 give information to the public of what the state 13 police were doing at that time for SOR enforcement. 14 BY MR. REINGOLD: 15 Q. And do you know if the number of people who are 16 found noncompliant or the number of warrants issued 17 or the number of arrests made, do you know if those 18 figures are trending upward or downward; would you 19 pay any attention to those at all? 20 MR. DAMICH: Objection to form and 21 foundation. 22 THE WITNESS: I haven't had any sweeps 23 to get any trends lately. 24 BY MR. REINGOLD: 25 Q. Back when you were doing sweeps from 2014 to 2019,</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

BRENDA HOFFMAN

4/24/2023

<p>1 did you look for trends?</p> <p>2 A. I did not look for trends, no.</p> <p>3 Q. Okay. What is the sweep enforcement wizard that's</p> <p>4 mentioned in the M-SOR program contract?</p> <p>5 A. That does not work.</p> <p>6 Q. What is it suppose to do?</p> <p>7 A. My understanding is the sweep wizard is suppose to</p> <p>8 assist with helping to coordinate our sweeps for</p> <p>9 like mapping purposes.</p> <p>10 Q. When you say "mapping purposes," is that like to</p> <p>11 define areas that would have a denser population of</p> <p>12 known absconders, that sort of thing?</p> <p>13 A. No, it -- So say I'm, again, I'm going to do a</p> <p>14 sweep in Lansing -- I'm just throwing numbers out,</p> <p>15 these are not accurate. Say Lansing has 200</p> <p>16 offenders in their -- in their city jurisdiction,</p> <p>17 and say I have, you know, four teams of -- of</p> <p>18 troopers, two troopers with each team, and we're</p> <p>19 going to divide Lansing into quadrants; a northwest</p> <p>20 quadrant, a northeast quadrant, a southeast and a</p> <p>21 southwest quadrant.</p> <p>22 It would be beneficial, and it would</p> <p>23 always be to give teams general targets in an area</p> <p>24 so they could streamline it and do their targets in</p> <p>25 a cohesive manner rather than bouncing like doing a</p> <p style="text-align: center;">Page 89</p>	<p>1 target on the west side, and then having to go back</p> <p>2 to the east side, and then going to the north side,</p> <p>3 and the south side. So it would be a -- a way</p> <p>4 to -- to assist to use our resources to be more</p> <p>5 functional.</p> <p>6 Q. Sounds like the way I used to do my paper route.</p> <p>7 Trying to be as efficient as you can be. All</p> <p>8 right.</p> <p>9 A. Probably. Work smarter, not harder.</p> <p>10 Q. I want to ask you a few more questions about</p> <p>11 cooperative efforts with probation and parole.</p> <p>12 Do you actually coordinate the sweeps</p> <p>13 with probation and parole?</p> <p>14 A. I do not.</p> <p>15 Q. And why not?</p> <p>16 A. Because I was busy with other things.</p> <p>17 Q. That's a fair answer. And after a sweep, might you</p> <p>18 share information from the sweep with probation and</p> <p>19 parole so they can take whatever action they want</p> <p>20 to; it sounds like you said yes to that one?</p> <p>21 MR. DAMICH: Asked and answered, yeah.</p> <p>22 THE WITNESS: Do I have to answer?</p> <p>23 MR. REINGOLD: Yeah, you should answer.</p> <p>24 THE WITNESS: Okay. If I knew that</p> <p>25 someone was on probation and parole and we were</p> <p style="text-align: center;">Page 90</p>
<p>1 going to take enforcement action, or if I found out</p> <p>2 any information that I feel might be helpful for</p> <p>3 them, I'd pass that on and share that information</p> <p>4 with them.</p> <p>5 BY MR. REINGOLD:</p> <p>6 Q. All right. And it's true isn't it, that compliance</p> <p>7 with SORA is a mandatory requirement for people</p> <p>8 convicted of registrable offenses?</p> <p>9 MR. DAMICH: Objection, lack of</p> <p>10 foundation.</p> <p>11 THE WITNESS: Can you repeat that?</p> <p>12 MR. REINGOLD: Yes.</p> <p>13 BY MR. REINGOLD:</p> <p>14 Q. Compliance with SORA is a mandatory -- I guess</p> <p>15 "mandatory requirement" is redundant.</p> <p>16 Compliance with SORA is a requirement</p> <p>17 for people convicted of registry offenses or</p> <p>18 registrable offense?</p> <p>19 A. Yeah, can you one more time -- I'm sorry. Can you</p> <p>20 repeat that one more time?</p> <p>21 Q. Sure. Compliance with SORA is a requirement for</p> <p>22 people convicted of registrable offenses?</p> <p>23 MR. DAMICH: Same objection, lack of</p> <p>24 foundation.</p> <p>25 THE WITNESS: If one is on Michigan's</p> <p style="text-align: center;">Page 91</p>	<p>1 Sex Offender Registry, they are suppose to comply</p> <p>2 with their duties and obligations.</p> <p>3 BY MR. REINGOLD:</p> <p>4 Q. I'm asking if they're on probation and parole for a</p> <p>5 registrable offense, isn't that also a requirement</p> <p>6 for probation and parole?</p> <p>7 A. I would assume that's the case. I -- I don't know</p> <p>8 the ins and outs of probation and parole, I don't</p> <p>9 work for MDOC.</p> <p>10 Q. Okay. Do you know if -- if someone is found to</p> <p>11 have violated SORA, if there's a mandatory return</p> <p>12 to jail or prison provision?</p> <p>13 MR. DAMICH: Objection, calls for legal</p> <p>14 conclusion, lack of foundation.</p> <p>15 MR. REINGOLD: If you know.</p> <p>16 THE WITNESS: Again, I don't work for</p> <p>17 MDOC, so I don't know what their procedures are for</p> <p>18 that.</p> <p>19 MR. REINGOLD: Okay. Let me frame it a</p> <p>20 slightly different way.</p> <p>21 BY MR. REINGOLD:</p> <p>22 Q. If someone has failed to register on the registry</p> <p>23 and they're on probation or parole for a</p> <p>24 registrable offense, is it almost certain that</p> <p>25 they're also violating their probation and parole?</p> <p style="text-align: center;">Page 92</p>

23 (Pages 89 to 92)

BRENDA HOFFMAN

4/24/2023

<p>1 MR. DAMICH: Objection, calls for legal</p> <p>2 conclusion, foundation.</p> <p>3 THE WITNESS: So do you mean failing to</p> <p>4 verify or failing to register? That's two</p> <p>5 different things.</p> <p>6 MR. REINGOLD: Failing to verify.</p> <p>7 Right? When you say "failing to register" in your</p> <p>8 world, that means the original registration.</p> <p>9 Right?</p> <p>10 THE WITNESS: Correct. Usually that</p> <p>11 happens when someone moves from another state into</p> <p>12 Michigan and they fail to register with us. So</p> <p>13 failing to register is quite different than failing</p> <p>14 to verify.</p> <p>15 MR. REINGOLD: Right. We lay people</p> <p>16 use "failing to register" when we shouldn't. So</p> <p>17 you're right.</p> <p>18 THE WITNESS: Yeah.</p> <p>19 MR. REINGOLD: I stand corrected. Yes,</p> <p>20 I mean failing to verify or failing to report.</p> <p>21 THE WITNESS: I forgot what you even</p> <p>22 asked me. Sorry.</p> <p>23 MR. REINGOLD: Yeah.</p> <p>24 BY MR. REINGOLD:</p> <p>25 Q. So the question was if they failed to verify or</p> <p style="text-align: center;">Page 93</p>	<p>1 report, that if they're on probation for parole for</p> <p>2 a sexual offense or registrable offense, is it</p> <p>3 almost certain that they are also violating their</p> <p>4 probation and parole?</p> <p>5 MR. DAMICH: Objection, calls for legal</p> <p>6 conclusion.</p> <p>7 THE WITNESS: Again, I do not know what</p> <p>8 the MDOC procedures are if an offender who is on</p> <p>9 probation and parole fails to verify what they</p> <p>10 are -- if they would be in violation. I would</p> <p>11 assume so, but I do not -- I do not know that for</p> <p>12 sure. That's a question to ask someone with MDOC.</p> <p>13 BY MR. REINGOLD:</p> <p>14 Q. If probation and parole staff have questions about</p> <p>15 SORA enforcement, do they ever call you?</p> <p>16 A. Sometimes, yes.</p> <p>17 Q. Okay. And they also have resources I would expect</p> <p>18 from the MDOC. Is that right; does the MDOC have</p> <p>19 the same kind of procedures and policies that can</p> <p>20 get them answers to questions?</p> <p>21 MR. DAMICH: Objection to foundation.</p> <p>22 THE WITNESS: Again, I do not work for</p> <p>23 MDOC, I do not know what they have or don't have.</p> <p>24 MR. REINGOLD: All right. I'm sharing</p> <p>25 what's been marked as Exhibit H.</p> <p style="text-align: center;">Page 94</p>
<p>1 MARKED FOR IDENTIFICATION</p> <p>2 EXHIBIT H</p> <p>3 11:24 a.m.</p> <p>4 MR. REINGOLD: It's an MDOC policy</p> <p>5 record dated 4/01/2014. This too was -- This one</p> <p>6 actually came from the MDOC website as a still in</p> <p>7 publication policy directive that I wanted you to</p> <p>8 take a look at.</p> <p>9 BY MR. REINGOLD:</p> <p>10 Q. In your work I take it you rely on the MSP</p> <p>11 operating procedures and so on to get good</p> <p>12 information; is that right?</p> <p>13 A. Yes, because I work in the state police.</p> <p>14 Q. Got it. And a moment ago you noted that the -- a</p> <p>15 form that we were looking at couldn't be current</p> <p>16 because it mentioned school safety zones. Right?</p> <p>17 A. Correct.</p> <p>18 Q. All right. So I'm now showing you a current, still</p> <p>19 active, MDOC policy directive that dates back to</p> <p>20 2014 but is still current.</p> <p>21 And I want to show you paragraph DD</p> <p>22 which says "A registered sex offender who is not</p> <p>23 incarcerated must report in person and notify local</p> <p>24 law enforcement agency having jurisdiction over the</p> <p>25 area to which the offender is moving, or nearest</p> <p style="text-align: center;">Page 95</p>	<p>1 MSP post designated to receive or answer</p> <p>2 registration within three business days after the</p> <p>3 offender does any of the following." And it</p> <p>4 includes 5, 6, or 7.</p> <p>5 Are 5, 6, and 7 still things to your</p> <p>6 knowledge that have to be reported within three</p> <p>7 business days?</p> <p>8 MR. DAMICH: Object to this line of</p> <p>9 questioning. You're asking her to testify</p> <p>10 about -- towards MDOC policy. She's not an MDOC</p> <p>11 employee.</p> <p>12 MR. REINGOLD: I'm not asking her about</p> <p>13 the MDOC policy. I'm asking her if the three</p> <p>14 things that are listed on the policy are consistent</p> <p>15 with current law.</p> <p>16 MR. DAMICH: Then I'll object to you</p> <p>17 asking her for a legal conclusion, but you can ask</p> <p>18 the question.</p> <p>19 THE WITNESS: 5 appears to be correct.</p> <p>20 Number 6, that appears to be incorrect. My</p> <p>21 understanding of the new law is that anyone who has</p> <p>22 an incident date prior to July 1st, 2011, no longer</p> <p>23 has to report any Internet identifies which would</p> <p>24 include electronic mail or instant messaging.</p> <p>25</p> <p style="text-align: center;">Page 96</p>

BRENDA HOFFMAN

4/24/2023

<p>1 BY MR. REINGOLD:</p> <p>2 Q. And number 7, isn't it true that vehicles no longer</p> <p>3 have to be reported within three days -- in person,</p> <p>4 rather. Sorry. In person.</p> <p>5 A. Well, they have the option to report that now</p> <p>6 through a mail-in form or a person.</p> <p>7 Q. Right. And if we look at EE, it's also true that</p> <p>8 that's out of date as well?</p> <p>9 A. My understanding of the new law is there's no more</p> <p>10 school safety zone provisions over the law.</p> <p>11 Q. Okay. So if a parole or probation officer went to</p> <p>12 MDOC policy directive O4-01-2014 we just go on the</p> <p>13 books for just information, part of what they would</p> <p>14 get is information that's no longer current; is</p> <p>15 that right?</p> <p>16 MR. DAMICH: Objection. Form, calls</p> <p>17 for a legal conclusion, and foundation.</p> <p>18 THE WITNESS: I'm not an MDOC employee.</p> <p>19 I don't know if that's their most updated policy</p> <p>20 they really have, or maybe there's an updated one</p> <p>21 they have not posted. But that would be a question</p> <p>22 for MDOC.</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. If it were one that were still posted and still in</p> <p>25 use, do you agree that it contains information</p> <p style="text-align: center;">Page 97</p>	<p>1 that's no longer correct?</p> <p>2 A. I believe there's some information that you showed</p> <p>3 me that does not appear to be correct with the new</p> <p>4 law.</p> <p>5 Q. How do you people get flagged on the registry as</p> <p>6 being noncompliant?</p> <p>7 A. With our new database there are three ways that</p> <p>8 someone will automatically or can be flagged as</p> <p>9 noncompliant is if their ID -- if the information</p> <p>10 on their ID is not updated in the system to reflect</p> <p>11 a valid ID.</p> <p>12 If they do not have palm prints on</p> <p>13 file, that would be another reason to automatically</p> <p>14 be flagged noncompliant, and if someone</p> <p>15 marks -- does a residence check where they mark</p> <p>16 someone being an absconder, then that would be flag</p> <p>17 them as having an address violation.</p> <p>18 Q. All right. When you say that those are</p> <p>19 automatically flagged, does that mean the computer</p> <p>20 changes them from compliant to noncompliant as soon</p> <p>21 as that entry is either made by somebody --</p> <p>22 A. It syncs.</p> <p>23 Q. -- or can it do it by itself?</p> <p>24 A. So I'm not a computer programmer by any means, but</p> <p>25 if -- so say for example a palm print, there is a</p> <p style="text-align: center;">Page 98</p>
<p>1 place in the database that will say "yes" or "no"</p> <p>2 for a palm print. And if it says "no," then that</p> <p>3 would sync it to make that person noncompliant for</p> <p>4 a palm print violation.</p> <p>5 Q. All right. And the same is true for failing to</p> <p>6 verify if they miss a monthly --</p> <p>7 A. No.</p> <p>8 Q. -- report?</p> <p>9 So what were the other two that could</p> <p>10 happen automatically?</p> <p>11 A. ID violation. All registrants are suppose to have</p> <p>12 a valid Michigan ID or drivers license. And so</p> <p>13 if -- if the -- again, there's a place in the</p> <p>14 database where the ID information is -- is listed,</p> <p>15 and if says yesterday on April 23rd that person's</p> <p>16 ID expired, then the system would -- would see that</p> <p>17 it expired yesterday, and it would make them</p> <p>18 noncompliant for an ID violation.</p> <p>19 Q. All right. And then what about the residence</p> <p>20 check, is that done automatically as well, or does</p> <p>21 that require input by a person?</p> <p>22 A. That would require input by someone doing a</p> <p>23 residence check and marking someone as an</p> <p>24 absconder. If your choice was making them an</p> <p>25 absconder, then that would activate an address</p> <p style="text-align: center;">Page 99</p>	<p>1 violation.</p> <p>2 Q. So right now there are only three things that</p> <p>3 automatically result in -- in a noncompliant flag?</p> <p>4 A. Yes, that's my understanding.</p> <p>5 Q. All right. And all the rest, anything else that</p> <p>6 you're late on or not doing in order for there to</p> <p>7 be a noncompliant flag as to those, someone either</p> <p>8 during registration or some other time -- not</p> <p>9 registration -- during verification or some other</p> <p>10 time would actually is to make a decision to change</p> <p>11 the compliance status to noncompliant?</p> <p>12 A. Correct.</p> <p>13 Q. Have there been other automatic switches like this</p> <p>14 that the program has the ability to do but have not</p> <p>15 been turned on, do you know?</p> <p>16 A. I'm not aware of any other ones that I know. One</p> <p>17 time the goal was if someone didn't come in during</p> <p>18 the verification month, say they were come to come</p> <p>19 in March and they didn't, they come in April 1st,</p> <p>20 technically they're noncompliant for failing for</p> <p>21 verify.</p> <p>22 That is not an -- is not automatically</p> <p>23 synced for making someone noncompliant for failing</p> <p>24 for verify. What does happen in the M-SOR database</p> <p>25 is what's called a no-entry entry, that is put in</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

BRENDA HOFFMAN

4/24/2023

<p>1 on -- as that exam on April 1st, and it will say no</p> <p>2 entry.</p> <p>3 Q. And is that effectively a flag for a registry</p> <p>4 officer for the next time they see the person, or</p> <p>5 does it trigger some other kind of more immediate</p> <p>6 response?</p> <p>7 A. It's there. I mean, you have to go down and look</p> <p>8 in the verification to see, you know, with the new</p> <p>9 law. You know, if you go on that no-entry-segment</p> <p>10 portion, whatever you want to call it, there is</p> <p>11 like a little box that -- I don't have the exact</p> <p>12 verbatim, but it basically says "further</p> <p>13 investigation needs to be done at this time to</p> <p>14 prove a willful violation," because that is one of</p> <p>15 the changes with the new law.</p> <p>16 Q. When someone is flagged as noncompliant other than</p> <p>17 sweeps, will there be individual investigation, or</p> <p>18 again, is it more passive; do you wait until they</p> <p>19 come in the next time and then say, you know, we</p> <p>20 got a problem with this or a problem with that?</p> <p>21 MR. DAMICH: Objection, form and</p> <p>22 foundation.</p> <p>23 THE WITNESS: If someone is marked</p> <p>24 noncompliant and someone who has the jurisdiction</p> <p>25 to investigate -- who is in that jurisdiction that</p> <p style="text-align: center;">Page 101</p>	<p>1 can investigate that offender, then they can by all</p> <p>2 means go ahead and investigate that offender to see</p> <p>3 if they can prove the elements that they violate</p> <p>4 the Sex Offender Registry.</p> <p>5 BY MR. REINGOLD:</p> <p>6 Q. Okay. Let me ask you a few questions about how you</p> <p>7 decide whether to charge or not to charge a</p> <p>8 violation. You eluded to this earlier, but let me</p> <p>9 give you a couple of possibilities.</p> <p>10 If a registrant had a whole month to</p> <p>11 report and waited until the last day, and then came</p> <p>12 to the office and it was closed, or had an accident</p> <p>13 on the way to the office and didn't get there on</p> <p>14 time, would you charge the person for not</p> <p>15 registering, or is that one you'd say, you know,</p> <p>16 "we'll let it go by"?</p> <p>17 MR. DAMICH: Objection to form and</p> <p>18 foundation.</p> <p>19 THE WITNESS: I think it would depend</p> <p>20 on a case-by-case basis. I don't -- Because of my</p> <p>21 lack of resources, I just don't have the time to be</p> <p>22 writing a bunch of warrants in that. If I do chose</p> <p>23 to do a warrant for someone, I probably would use</p> <p>24 my resources to do it on someone who is totally</p> <p>25 gone and I can't find him.</p> <p style="text-align: center;">Page 102</p>
<p>1 So I would probably use some discretion</p> <p>2 on that one that he or she is at least trying to</p> <p>3 get in. But like I always tell everyone who is on</p> <p>4 the registry, you have the whole month to come in.</p> <p>5 Try to get in the practice of doing it in the</p> <p>6 beginning of the month because life can happen, and</p> <p>7 then you're not rushing around at the end of the</p> <p>8 month trying to do your thing.</p> <p>9 MR. REINGOLD: Good advice. Yep.</p> <p>10 BY MR. REINGOLD:</p> <p>11 Q. As I said earlier, it's true isn't it, that the</p> <p>12 more discretion that there is in the system, in</p> <p>13 some respects, the less consistency there's going</p> <p>14 to be who gets charged from jurisdiction to</p> <p>15 jurisdiction?</p> <p>16 MR. DAMICH: Objection to form and</p> <p>17 foundation.</p> <p>18 THE WITNESS: If people who are doing</p> <p>19 the investigating want to use discretion or if they</p> <p>20 wish to send everything through the prosecutor for</p> <p>21 the prosecutor to decide, then that's up to them</p> <p>22 how they do their investigation.</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. And are you aware that in some counties or some</p> <p>25 jurisdictions there are way more covid -- not</p> <p style="text-align: center;">Page 103</p>	<p>1 covid -- SORA prosecutions than in others?</p> <p>2 A. I think every county is their own entity per se, so</p> <p>3 yes, there are some counties that do more SORA</p> <p>4 charges than others.</p> <p>5 Q. Let me ask you some questions about reporting and</p> <p>6 registration issues, and some of this comes from</p> <p>7 our clients -- our clients including all</p> <p>8 50-plus-thousand registrants, and the same as you</p> <p>9 when there's that many people out there we get lots</p> <p>10 of contact and complaints.</p> <p>11 Here's the problem that we're seeing</p> <p>12 more of. When you go in to verify, if a paper form</p> <p>13 is used -- First of all, is it preprinted or is it</p> <p>14 a blank form; do you know?</p> <p>15 I mean, is some of it filled in?</p> <p>16 That's my question.</p> <p>17 A. I guess I don't know the question you're asking.</p> <p>18 How it should happen is when the offender comes in,</p> <p>19 information is either added or they get verified,</p> <p>20 and then they print out the completed RI4 form, and</p> <p>21 then the person who is doing the verifying will</p> <p>22 sign it, the offender will sign it, and they then</p> <p>23 should be provided a copy of that -- of that form.</p> <p>24 Now, there are times like maybe the</p> <p>25 system is having some technical difficulties, and</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

BRENDA HOFFMAN

4/24/2023

<p>1 they're not able to enter that information in the</p> <p>2 database like I just described, so because the</p> <p>3 offender is there they should still try to get them</p> <p>4 verified and have them sign that form and fill it</p> <p>5 out, and I would say kind of doing it the</p> <p>6 old-fashioned way, and having to improvise if</p> <p>7 there's some technical difficulties with the M-SOR</p> <p>8 database at the date and time the offender is</p> <p>9 there. Is that what you're asking?</p> <p>10 Q. Yes, that's exactly what I was asking.</p> <p>11 But the result is either way before the</p> <p>12 registrant leaves, if the printers are working,</p> <p>13 they should have a signed form that they can take</p> <p>14 away with them?</p> <p>15 A. Correct.</p> <p>16 Q. And that's in part that if there's a glitch</p> <p>17 inputting the data or if later on the system is</p> <p>18 down and they're stopped, they have proof that they</p> <p>19 did their verification on a certain date?</p> <p>20 A. Correct. And also on that form it should provide</p> <p>21 them with their next verification month.</p> <p>22 Q. If it's done on a screen, do you know at most</p> <p>23 offices can the registrants see the screen, or is</p> <p>24 the screen facing the officer so they don't see</p> <p>25 what the officer is typing on to the screen?</p> <p style="text-align: center;">Page 105</p>	<p>1 MR. DAMICH: Objection to form and</p> <p>2 foundation.</p> <p>3 THE WITNESS: The screen is not facing</p> <p>4 the offender, number one because the M-SOR database</p> <p>5 is technically linked with the Law Enforcement</p> <p>6 Information Network, and only law enforcement</p> <p>7 officers should have access to that.</p> <p>8 BY MR. REINGOLD:</p> <p>9 Q. If -- Have you heard from registrants that some of</p> <p>10 them are asking for written forms that they can't</p> <p>11 be given -- won't be given the written</p> <p>12 form -- can't or won't be given the written form?</p> <p>13 A. I have heard that, yes.</p> <p>14 Q. And has there been any investigation as to why</p> <p>15 that's happening?</p> <p>16 A. I have not investigated that, no.</p> <p>17 Q. We're also hearing stories from registrants that</p> <p>18 it's getting harder to report.</p> <p>19 To your knowledge, is it true that some</p> <p>20 local law enforcement agencies have either closed</p> <p>21 offices or reduced their hours, that sort of thing?</p> <p>22 A. I have heard that that has happened, yes.</p> <p>23 Q. And does the MSP have any authority fix that</p> <p>24 problem if it's local law enforcement that's doing</p> <p>25 it?</p> <p style="text-align: center;">Page 106</p>
<p>1 A. We do not. MSP is required to maintain the</p> <p>2 registry.</p> <p>3 Q. The way the statute is constructed, is there any</p> <p>4 direct link that you know of from the legislature,</p> <p>5 you know, in effect, ordering local law enforcement</p> <p>6 to make sure that this gets implemented?</p> <p>7 MR. DAMICH: Objection to form and</p> <p>8 foundation.</p> <p>9 THE WITNESS: I'm not aware of anything</p> <p>10 like that.</p> <p>11 BY MR. REINGOLD:</p> <p>12 Q. Is there anything that you think the SOR unit or</p> <p>13 your enforcement unit can do to reverse this trend?</p> <p>14 A. There had been times when I, you know, have been</p> <p>15 told that the agency may not be providing that, and</p> <p>16 there have been times where I try to reach out to</p> <p>17 see what's possibly going on with that.</p> <p>18 So I've tried to see, you know, why</p> <p>19 they're not doing that. But I, as</p> <p>20 Sergeant Brenda Hoffman of the State Police, cannot</p> <p>21 tell another department what they can and can't do.</p> <p>22 Q. And what are you hearing back from them when you</p> <p>23 have these contacts; what are the reasons they're</p> <p>24 giving for why they're cutting back?</p> <p>25 A. Sometimes it may be they don't have enough money to</p> <p style="text-align: center;">Page 107</p>	<p>1 buy the paper, or they may not have the printing</p> <p>2 capabilities, or maybe it's something on that day,</p> <p>3 something happened to be wrong with connections, or</p> <p>4 maybe the person didn't realize they should be, you</p> <p>5 know, it's a good practice to give them a copy of</p> <p>6 their paperwork.</p> <p>7 Q. What about for the bigger problems like reduced</p> <p>8 office hours or closing a reporting office?</p> <p>9 A. Again, I work for the state police. I can't tell</p> <p>10 Detroit PD or Southfield PD how to run</p> <p>11 their -- their departments.</p> <p>12 Q. No, I wasn't asking that. I was asking what</p> <p>13 they're saying about why they're doing that?</p> <p>14 MR. DAMICH: Objection to foundation.</p> <p>15 THE WITNESS: I think probably -- I</p> <p>16 don't know their reasoning. I can speak for MSP.</p> <p>17 We have just our lobby hours open to do the</p> <p>18 verification ourselves. Save resources, that's</p> <p>19 probably a main thing I would -- I would say that</p> <p>20 like I can just speak for MSP. I know we limit our</p> <p>21 hours as well for a normal business days, Monday</p> <p>22 through Friday, and closed holidays.</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. And do you know if this is a problem with</p> <p>25 State Police posts as well?</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

BRENDA HOFFMAN

4/24/2023

<p>1 MR. DAMICH: Objection, foundation.</p> <p>2 THE WITNESS: What do you mean by</p> <p>3 "problem"?</p> <p>4 BY MR. REINGOLD:</p> <p>5 Q. That offices are either reducing their hours or,</p> <p>6 you know, more breaks, whatever, making it harder</p> <p>7 for people to register; have you heard that's a</p> <p>8 problem within the department?</p> <p>9 A. I don't know the exact hours for every post, but I</p> <p>10 know we -- we make the effort to have, you know, a</p> <p>11 business day open for the offenders to come in and</p> <p>12 verify. It is generally, you know, as I said,</p> <p>13 Monday through Friday. If we're closed for the</p> <p>14 holidays or if the lobby is not open, then they</p> <p>15 wouldn't be able to verify.</p> <p>16 MR. REINGOLD: Let me again share the</p> <p>17 screen with you. I believe this is where I</p> <p>18 couldn't rename the file, and so I couldn't tell</p> <p>19 you. This is Exhibit G. This again is a</p> <p>20 director's memo from Colonel Gasper to the field</p> <p>21 regarding enforcement of the Sex Offender</p> <p>22 Registration Act.</p> <p>23 MARKED FOR IDENTIFICATION</p> <p>24 EXHIBIT G</p> <p>25 11:49 a.m.</p> <p>Page 109</p>	<p>1 MR. REINGOLD: There's a paragraph at</p> <p>2 the bottom of it which says that "members at every</p> <p>3 worksite designated to receive or enter</p> <p>4 registration information shall continue to</p> <p>5 register, verify, and update information required</p> <p>6 to be reported by individuals under SORA.</p> <p>7 Because they are so required, any</p> <p>8 department post, members that post shall not</p> <p>9 discourage or refuse to accept a report required</p> <p>10 under SORA, and shall not direct an individual to</p> <p>11 report the information to another agency, worksite,</p> <p>12 or post." And then it says questions about</p> <p>13 enforcement should be directed to you.</p> <p>14 Does that suggest to you that the</p> <p>15 director has heard compliance that even within the</p> <p>16 MASP, registrants aren't getting reports or are</p> <p>17 being sent to other agencies, worksites, or posts?</p> <p>18 MR. DAMICH: Objection to form and</p> <p>19 foundation.</p> <p>20 THE WITNESS: I did not write that</p> <p>21 memo, so I think you need to asked Colonel Gasper</p> <p>22 why he put that in there.</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. Do you think he would have put that in there if it</p> <p>25 wasn't happening?</p> <p>Page 110</p>
<p>1 MR. DAMICH: Objection. Foundation.</p> <p>2 THE WITNESS: I can't think for the</p> <p>3 colonel.</p> <p>4 MR. REINGOLD: We'll let him think for</p> <p>5 himself.</p> <p>6 BY MR. REINGOLD:</p> <p>7 Q. I want to ask about a couple of other reporting</p> <p>8 issues. We -- We touched on this briefly earlier,</p> <p>9 but you understand that reporting isn't always easy</p> <p>10 for people who have illness or disabilities or old</p> <p>11 people, that sort of thing. Right?</p> <p>12 A. Yes.</p> <p>13 Q. The -- The current law, SORA 2021, doesn't make any</p> <p>14 exception for the elderly, or the infirm, or even</p> <p>15 people who are incompetent.</p> <p>16 Isn't it true that everybody has to</p> <p>17 register and report the same information on the</p> <p>18 same schedule?</p> <p>19 A. Yes, that's how the law is written.</p> <p>20 Q. All right. As the registry gets older and older</p> <p>21 and more people have been on it into old age,</p> <p>22 what -- what do you think is going to happen when,</p> <p>23 you know, 20, 30, 40 percent of the population is</p> <p>24 in nursing homes or whatever and can't get to the</p> <p>25 registry?</p> <p>Page 111</p>	<p>1 MR. DAMICH: Objection, form and</p> <p>2 foundation.</p> <p>3 THE WITNESS: They're probably not</p> <p>4 going to report.</p> <p>5 BY MR. REINGOLD:</p> <p>6 Q. Yeah. And are they then going to get prosecuted?</p> <p>7 MR. DAMICH: Objection, foundation.</p> <p>8 THE WITNESS: They could if they're in</p> <p>9 violation of the Sex Offender Registry law.</p> <p>10 BY MR. REINGOLD:</p> <p>11 Q. Every single one of them could be prosecuted?</p> <p>12 MR. DAMICH: Objection, asked and</p> <p>13 answered.</p> <p>14 MR. REINGOLD: Was that a "yes"?</p> <p>15 THE WITNESS: Yes. They are violating</p> <p>16 the Sex Offender Registry law, they could be</p> <p>17 prosecuted.</p> <p>18 BY MR. REINGOLD:</p> <p>19 Q. Does the current M-SOR program have the capacity to</p> <p>20 allow online verification?</p> <p>21 MR. DAMICH: Objection, lack of</p> <p>22 foundation.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MR. REINGOLD:</p> <p>25 Q. Do you know if it's built in so that it could be</p> <p>Page 112</p>

28 (Pages 109 to 112)

BRENDA HOFFMAN

4/24/2023

<p>1 done and simply hasn't been hooked up, or are you</p> <p>2 saying that it can't be done?</p> <p>3 A. I'm not a computer programmer, and the database is</p> <p>4 set up now for people to come in and verify in</p> <p>5 person per the law.</p> <p>6 Q. And are you aware that the contract for M-SOR says</p> <p>7 that the program must allow offenders to update by</p> <p>8 phone or electronic devices; did you know that?</p> <p>9 MR. DAMICH: Objection, foundation.</p> <p>10 THE WITNESS: I'm sorry, can you repeat</p> <p>11 that question?</p> <p>12 MR REINGOLD: Yes.</p> <p>13 BY MR. REINGOLD:</p> <p>14 Q. Do you know that the contract the developer with</p> <p>15 M-SOR with the MSP says that the contract must</p> <p>16 allow offenders to update through phones or</p> <p>17 electronic devices?</p> <p>18 MR. DAMICH: Objection, foundation.</p> <p>19 THE WITNESS: I'm unaware of that part</p> <p>20 of the contract.</p> <p>21 BY MR. REINGOLD:</p> <p>22 Q. Okay. You know, I assume that the statute of law</p> <p>23 has some changes to be done in person or in another</p> <p>24 manner has prescribed by the department as opposed</p> <p>25 to in-person only.</p> <p style="text-align: center;">Page 113</p>	<p>1 Do you know who decides what the manner</p> <p>2 would be other than in-person; who makes that</p> <p>3 decision?</p> <p>4 A. I'm sorry, can you repeat that question?</p> <p>5 Q. Yes. The statute allows that some</p> <p>6 changes -- verification changes can be done in</p> <p>7 person or in another manner prescribed by the</p> <p>8 department.</p> <p>9 What I'm asking is who decides or who</p> <p>10 decided the manner in which the report would be</p> <p>11 made other than in person?</p> <p>12 MR. DAMICH: Objection, foundation.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 BY MR. REINGOLD:</p> <p>15 Q. And this is one of the puzzles that we're unable to</p> <p>16 figure out, and everything we're dealing with SORA</p> <p>17 is who actually makes decisions that effect</p> <p>18 registrants. You don't have any idea?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. All right. When people go in to</p> <p>21 register -- excuse me -- to verify. You've</p> <p>22 instructed me well.</p> <p>23 When they go in to verify, each time do</p> <p>24 they have to sign the verification form?</p> <p>25 A. When they're going to verify, yes.</p> <p style="text-align: center;">Page 114</p>
<p>1 Q. And that's true whether it's a quarterly</p> <p>2 verification or they're popping in because</p> <p>3 something has changed?</p> <p>4 A. When they come in to verify, they need to sign the</p> <p>5 form.</p> <p>6 Q. Okay. And at some locations now can they sign by</p> <p>7 electronic signature pad?</p> <p>8 A. Yes, sir.</p> <p>9 Q. In fact, there was grant money for that; isn't that</p> <p>10 right?</p> <p>11 A. We are looking to -- to put some grant money for</p> <p>12 some more electronic signature pads. I don't -- I</p> <p>13 don't recall how we got those pads to begin with.</p> <p>14 Q. Right. And the registrant is legally required to</p> <p>15 sign the form. Right?</p> <p>16 A. When they come to verify, yes.</p> <p>17 Q. And what happens to them if they don't sign?</p> <p>18 A. Then the person who is verifying should write on</p> <p>19 there "refused to sign."</p> <p>20 Q. And will that trigger a noncompliance alert?</p> <p>21 A. It could.</p> <p>22 Q. Who would make that decision?</p> <p>23 A. The person who would be doing the investigating for</p> <p>24 that possible violation.</p> <p>25 Q. Is that different than the person who is filling</p> <p style="text-align: center;">Page 115</p>	<p>1 out the form and the signing was refused?</p> <p>2 A. It would depend on how that post or agency handles</p> <p>3 SORA violations.</p> <p>4 Q. All right. So it could be the same person, but it</p> <p>5 wouldn't be necessarily?</p> <p>6 A. It could be the same or it could be someone else.</p> <p>7 Q. Okay. The last sentence above the signature line</p> <p>8 on the form requires that the person -- well, it</p> <p>9 reads as follows.</p> <p>10 "I have read the above requirements</p> <p>11 and/or had them read to me, and I understand my</p> <p>12 registration duties."</p> <p>13 Are you aware of that line in the form?</p> <p>14 A. Are you referring to the RI4 form?</p> <p>15 Q. Yes, I am.</p> <p>16 A. If you're reading off that form -- I don't see it</p> <p>17 in front of me -- but if you're reading verbatim</p> <p>18 off that, then yes, I would see that on the form.</p> <p>19 Q. I'm reading it verbatim, but if you want me to pull</p> <p>20 it up, I will. Can you see that form?</p> <p>21 A. Not yet. Something is coming up. Yes, sir, I see</p> <p>22 it.</p> <p>23 Q. RI-004, that's the one?</p> <p>24 A. Correct.</p> <p>25 Q. And it's dated 03/2021, which was the start of</p> <p style="text-align: center;">Page 116</p>

BRENDA HOFFMAN

4/24/2023

<p>1 SORA 2021. Right?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. And if we go to the very end, the line</p> <p>4 reading verbatim "I know that I have been</p> <p>5 provided a written notice explaining my</p> <p>6 registration duties, I have read the above</p> <p>7 requirements and/or had them read to me, and I</p> <p>8 understand my registration duties."</p> <p>9 That's new in this version of the form,</p> <p>10 isn't it?</p> <p>11 A. I would have to look at a previous form to see if</p> <p>12 it's new or not.</p> <p>13 Q. I don't think I have a previous one, but you can</p> <p>14 take my word for it when I say "I have read the</p> <p>15 above requirements and/or had them read to me, and</p> <p>16 I understand my registration duties," that's that a</p> <p>17 new line?</p> <p>18 A. Without comparing the two I will not be able to</p> <p>19 answer yes or no to that.</p> <p>20 Q. Okay. In this version of the form, the person</p> <p>21 actually has to say that they understand their</p> <p>22 registration duties.</p> <p>23 Have you ever met a registrant that you</p> <p>24 think totally understands their registration</p> <p>25 duties?</p> <p style="text-align: center;">Page 117</p>	<p>1 A. I can't speak for what an offender understands.</p> <p>2 Q. Would you sign a form under oath, based on reading</p> <p>3 this form, that you have read and understand your</p> <p>4 registration duties so that it means all of them</p> <p>5 and not just the one summarized above?</p> <p>6 A. If I were a registered sex offender I would make</p> <p>7 sure I educated myself so I knew what my duties</p> <p>8 were.</p> <p>9 Q. Well, let's talk about that. Here, let me stop</p> <p>10 sharing and we'll see how well even an expert might</p> <p>11 know her duties.</p> <p>12 Isn't it true that under the old law</p> <p>13 phone numbers only had to be reported if they were</p> <p>14 routinely used?</p> <p>15 MR. DAMICH: Objection, calls for a</p> <p>16 legal conclusion.</p> <p>17 THE WITNESS: Under the old law you're</p> <p>18 saying?</p> <p>19 MR. REINGOLD: Yeah.</p> <p>20 THE WITNESS: Yes, under the old law if</p> <p>21 they were routinely used, they also had to be</p> <p>22 registered.</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. And under the old law vehicles only had to be</p> <p>25 reported if they were regularly operated?</p> <p style="text-align: center;">Page 118</p>
<p>1 MR. DAMICH: Same objection. Calls for</p> <p>2 legal conclusion.</p> <p>3 THE WITNESS: If that's what the old</p> <p>4 law say, then that would be correct. I don't have</p> <p>5 the old law in front of me.</p> <p>6 BY MR. REINGOLD:</p> <p>7 Q. But the point regardless of the language is that</p> <p>8 both for cars or for phones, registrants had to</p> <p>9 report them if they were used on a regular basis,</p> <p>10 routinely or regularly?</p> <p>11 MR. DAMICH: Objection, calls for legal</p> <p>12 conclusion.</p> <p>13 BY MR. REINGOLD:</p> <p>14 Q. You don't dispute that, do you?</p> <p>15 A. I believe the old law had that terminology in</p> <p>16 there, about regularly used.</p> <p>17 Q. And the courts in Doe's 1 held those qualifiers</p> <p>18 routinely regularly were too vague to be</p> <p>19 enforceable because neither registrants nor law</p> <p>20 enforcement could know when someone had crossed the</p> <p>21 line -- right -- was it five, was it six, was it</p> <p>22 ten? Nobody knew.</p> <p>23 In SORA 2021, instead of coming up with</p> <p>24 a number like saying more than five times, isn't it</p> <p>25 true that SORA 2021 requires registrants to report</p> <p style="text-align: center;">Page 119</p>	<p>1 every phone number registered to or used by them?</p> <p>2 MR. DAMICH: Objection. Calls for</p> <p>3 legal conclusion, form.</p> <p>4 THE WITNESS: My understanding is that</p> <p>5 they have to register phone numbers that are</p> <p>6 registered to them.</p> <p>7 BY MR. REINGOLD:</p> <p>8 Q. Is it also your understanding that the law says</p> <p>9 "registered to or used by them"?</p> <p>10 A. Can you pull that up for me so that I can review</p> <p>11 the law?</p> <p>12 Q. I can.</p> <p>13 MR. REINGOLD: Why don't we take a</p> <p>14 short break because it will take me a minute to get</p> <p>15 it.</p> <p>16 (Off the record at 12:03 p.m.)</p> <p>17 (On the record at 12:09 p.m.)</p> <p>18 BY MR. REINGOLD:</p> <p>19 Q. Picking up where we left off, you wanted to see the</p> <p>20 actual language of the new statute. This is a</p> <p>21 version of the statute that has --</p> <p>22 MR. REINGOLD: Let's make this -- I'm</p> <p>23 not sure what the exhibit would be, but the exhibit</p> <p>24 letter following the last exhibit.</p> <p>25</p> <p style="text-align: center;">Page 120</p>

BRENDA HOFFMAN

4/24/2023

<p>1 MARKED FOR IDENTIFICATION</p> <p>2 EXHIBIT J</p> <p>3 12:09 a.m.</p> <p>4 MR. REINGOLD: I've got two different</p> <p>5 places where I can show you the language, the text</p> <p>6 of the new statute. One is the -- the text reads</p> <p>7 "for vehicles the license plate number and</p> <p>8 description of any" --</p> <p>9 THE WITNESS: Can you show it? Can you</p> <p>10 share your screen? I'm sorry.</p> <p>11 MR. REINGOLD: No, my fault. See it?</p> <p>12 THE WITNESS: Yeah, it's all marked up.</p> <p>13 MR. REINGOLD: Yes.</p> <p>14 BY MR. REINGOLD:</p> <p>15 Q. It -- This is the version that shows both the old</p> <p>16 statute and the new, and that way you can see the</p> <p>17 changes. But the new version is lines 12 to 14 on</p> <p>18 page 30, and as to cars, it's the license plate</p> <p>19 number and description of any vehicle owned or</p> <p>20 operated by the individual.</p> <p>21 Am I reading it correctly?</p> <p>22 A. Correct. You just read what was highlighted in</p> <p>23 light orange.</p> <p>24 Q. Okay. This is information that must be provided,</p> <p>25 and it includes any vehicle information, and then</p> <p style="text-align: center;">Page 121</p>	<p>1 the last part of it, line 21, says "or telephone</p> <p>2 numbers registered to or used by the individual."</p> <p>3 Do you see that?</p> <p>4 A. Yes. You again read what was in light orange.</p> <p>5 Q. Okay. And in the statute it does not say anywhere</p> <p>6 that you can see as to when it is that you must</p> <p>7 have used the telephone number?</p> <p>8 A. In what you're showing me I do not see that.</p> <p>9 Q. And the same for the other one; it didn't -- there</p> <p>10 was no date or time limit as to when you operated</p> <p>11 the vehicle. Right?</p> <p>12 A. I did not see that either.</p> <p>13 Q. Okay. All right. So what I was getting at was</p> <p>14 instead of coming up with a reasonable number like</p> <p>15 more than five times, SORA 2021 took a different</p> <p>16 approach and simply said registrants have to report</p> <p>17 every phone number, quote, "registered or used by,"</p> <p>18 end quote, them, and to report the license plate</p> <p>19 and description of every vehicle, quote,</p> <p>20 "registered to or operated by," close quote, them.</p> <p>21 If a phone number or a license plate</p> <p>22 and description of a vehicle are reported to the</p> <p>23 registry, for how long will it stay on the</p> <p>24 registry?</p> <p>25 MR. DAMICH: Object to form and</p> <p style="text-align: center;">Page 122</p>
<p>1 foundation.</p> <p>2 THE WITNESS: Until the registrant</p> <p>3 comes in to say they no longer have it or no longer</p> <p>4 use it.</p> <p>5 BY MR. REINGOLD:</p> <p>6 Q. Or until they come off the registry?</p> <p>7 A. If they're -- If an offender's record is canceled</p> <p>8 or they get off the registry then yes, the record</p> <p>9 will be canceled.</p> <p>10 Q. Okay. How is a registrant to know how far back to</p> <p>11 go as to something that they -- that was used by</p> <p>12 them or operated by them?</p> <p>13 MR. DAMICH: Objection. Form and</p> <p>14 foundation.</p> <p>15 THE WITNESS: When they get</p> <p>16 their -- the -- the form that they sign when they</p> <p>17 come in had to verify, that will list all their</p> <p>18 current information that is reported to the</p> <p>19 registry.</p> <p>20 BY MR. REINGOLD:</p> <p>21 Q. But if there's no time limit that says that you</p> <p>22 have to register every phone number -- not</p> <p>23 register -- you have to report every phone number</p> <p>24 registered to or used by them, how are they suppose</p> <p>25 to know what "used by them" means in terms of time?</p> <p style="text-align: center;">Page 123</p>	<p>1 Let me give you an example. If you're</p> <p>2 coming in to report and you say "I'm 18 years old</p> <p>3 and I left home four months ago and I used the</p> <p>4 landline at my family home. Do I have to report</p> <p>5 it? Now I'm living independently."</p> <p>6 MR. DAMICH: Objection. Calls for</p> <p>7 legal conclusion.</p> <p>8 THE WITNESS: Does he or she have to</p> <p>9 report the phone number or the new address?</p> <p>10 MR. REINGOLD: No, the phone number.</p> <p>11 THE WITNESS: Well, according to the</p> <p>12 language of the law, if they're using a phone then</p> <p>13 they should be reporting that.</p> <p>14 BY MR. REINGOLD:</p> <p>15 Q. It's not just if they're using a phone, it's if</p> <p>16 they used a phone. Right?</p> <p>17 A. That is how the law is -- how we both read it</p> <p>18 according to what the legislators wrote it as.</p> <p>19 Q. So that means if the registrant is now 22 and still</p> <p>20 admits that he used that phone when he was 17 and a</p> <p>21 half, it should still be on the registry. Right?</p> <p>22 MR. DAMICH: Objection. Calls for</p> <p>23 legal conclusion.</p> <p>24 THE WITNESS: That is how the law is</p> <p>25 written about the phones if it's registered to them</p> <p style="text-align: center;">Page 124</p>

31 (Pages 121 to 124)

BRENDA HOFFMAN

4/24/2023

<p>1 or if they use it.</p> <p>2 BY MR. REINGOLD:</p> <p>3 Q. Or used it. Right?</p> <p>4 A. Used it, yeah.</p> <p>5 Q. And the same for cars. So if they used a car -- or</p> <p>6 I should say a vehicle because that's the word the</p> <p>7 statute used.</p> <p>8 If they used a vehicle sometime in the</p> <p>9 past and they know the license plate and can</p> <p>10 describe it, that too should be registered. Right?</p> <p>11 MR. DAMICH: Objection. Calls for</p> <p>12 legal conclusion.</p> <p>13 THE WITNESS: If you read the law as it</p> <p>14 was written, then I would say yes, they would need</p> <p>15 to register that.</p> <p>16 BY MR. REINGOLD:</p> <p>17 Q. Under SORA '21 now every such use requires</p> <p>18 reporting. Right?</p> <p>19 A. I'm sorry, every what?</p> <p>20 Q. Every such use of a car or phone requires</p> <p>21 reporting?</p> <p>22 A. That is what I'm reading.</p> <p>23 MR. DAMICH: Calls for legal</p> <p>24 conclusion. Objection.</p> <p>25</p> <p style="text-align: center;">Page 125</p>	<p>1 BY MR. REINGOLD:</p> <p>2 Q. And they can be charged with a crime if they fail</p> <p>3 to report the use of a phone or the operation of a</p> <p>4 vehicle?</p> <p>5 MR. DAMICH: Objection to form and</p> <p>6 foundation.</p> <p>7 THE WITNESS: According to how it was</p> <p>8 written, then yes, they could.</p> <p>9 BY MR. REINGOLD:</p> <p>10 Q. All right. Let me give you some examples. This</p> <p>11 comes from one of our clients.</p> <p>12 If a registrant spends a night at a</p> <p>13 hotel and uses the in-room phone once to call the</p> <p>14 front desk to ask for the Wi-Fi password in the</p> <p>15 room, does he have to report the room phone number?</p> <p>16 MR. DAMICH: Objection, calls for legal</p> <p>17 conclusion.</p> <p>18 THE WITNESS: Sir, the way the law is</p> <p>19 written, that's just how the law is written. And</p> <p>20 that's for the offender to -- if they wish to</p> <p>21 follow the law and they wish to report every phone</p> <p>22 that they use, then that is what he or she can do.</p> <p>23 We can probably go through a punch of examples like</p> <p>24 this and I'm probably going to answer the same way.</p> <p>25</p> <p style="text-align: center;">Page 126</p>
<p>1 BY MR. REINGOLD:</p> <p>2 Q. All right. Let me ask you a technical question.</p> <p>3 Must the person in your view actually use the</p> <p>4 number on the phone in order to have to report the</p> <p>5 phone number, or is it okay for example, if he</p> <p>6 borrows a phone and listens to Spotify?</p> <p>7 MR. DAMICH: Objection, calls for a</p> <p>8 legal conclusion.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 BY MR. REINGOLD:</p> <p>11 Q. If you think if he is in a car with somebody else,</p> <p>12 and the person is driving, they're lost, the person</p> <p>13 doesn't have a phone, the driver hands him a phone</p> <p>14 and says "check Google, check where we are, check</p> <p>15 Google Maps," does he have to report the phone?</p> <p>16 MR. DAMICH: Objection, calls for legal</p> <p>17 conclusion.</p> <p>18 THE WITNESS: I'm going to go back to</p> <p>19 the offender needs to follow the law and how it's</p> <p>20 written. If you feel there's some vagueness to it,</p> <p>21 then you need to go to the legislators who wrote</p> <p>22 the law because I did not write the law.</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. All right. And do you know anybody in the SOR unit</p> <p>25 who can answer these questions?</p> <p style="text-align: center;">Page 127</p>	<p>1 A. I don't know. They did not write the law either.</p> <p>2 Q. I'll ask you one more of these just to see if it</p> <p>3 makes a difference.</p> <p>4 "When I was away this past winter I</p> <p>5 asked my neighbor to start my car once to let it</p> <p>6 run for a few minutes in January in the garage to</p> <p>7 charge the battery."</p> <p>8 If he got in the car and started the</p> <p>9 car but never moved it, was he operating the</p> <p>10 vehicle and therefore did he have to report it?</p> <p>11 MR. DAMICH: Objection, calls for legal</p> <p>12 conclusion.</p> <p>13 THE WITNESS: Can you ask that question</p> <p>14 again?</p> <p>15 BY MR. REINGOLD:</p> <p>16 Q. Yeah. "I asked him to start the car in the garage,</p> <p>17 door closed, to charge the battery." If he started</p> <p>18 the car but never moved it, was he operating the</p> <p>19 vehicle?</p> <p>20 A. Well, first of all, I'd be weary to start a car in</p> <p>21 the garage without opening the door; that would be</p> <p>22 dangerous.</p> <p>23 Q. Okay. Let's say he did open the door.</p> <p>24 A. If he's not moving a vehicle on the roadway, then I</p> <p>25 guess you'd have to look at what the definition of</p> <p style="text-align: center;">Page 128</p>

32 (Pages 125 to 128)

BRENDA HOFFMAN

4/24/2023

<p>1 what "operate" is in the law, which I don't have</p> <p>2 the definition of what "operate" truly means in</p> <p>3 front of me.</p> <p>4 Q. All right. And if it turns out that he -- someone</p> <p>5 determines that he was operating the -- the vehicle</p> <p>6 and he reported it, my license plate number and the</p> <p>7 description of my car are now on the registry.</p> <p>8 Right?</p> <p>9 A. If an offender reports a vehicle that they operated</p> <p>10 to be on the registry, then yes, it would be on the</p> <p>11 registry.</p> <p>12 Q. And if it's on the registry, then isn't he also</p> <p>13 obligated to report changes in the vehicle?</p> <p>14 MR. DAMICH: Objection, calls for legal</p> <p>15 conclusion.</p> <p>16 THE WITNESS: Changes such as what?</p> <p>17 MR. REINGOLD: If he gets -- If I get a</p> <p>18 new license plate or I have the car painted a new</p> <p>19 color? This is a vehicle he's used, and under the</p> <p>20 statute he's obligated to update changes to</p> <p>21 vehicles he's operated or used.</p> <p>22 THE WITNESS: If he's using a vehicle</p> <p>23 and there's some --</p> <p>24 MR. REINGOLD: Not using it. He used</p> <p>25 it.</p> <p style="text-align: center;">Page 129</p>	<p>1 THE WITNESS: He's used a vehicle, and</p> <p>2 that's how the law is written that they have to</p> <p>3 report that he used the vehicle and there's changes</p> <p>4 with that vehicle, then I would suggest that they</p> <p>5 follow the law and report whatever changes there</p> <p>6 are to the used vehicle.</p> <p>7 BY MR. REINGOLD:</p> <p>8 Q. Last one. If a registrant's elderly neighbor tells</p> <p>9 him that she'll pay him \$5 to shovel her walk, does</p> <p>10 he have to report his neighbor under SORA 2021 as</p> <p>11 his employer?</p> <p>12 MR. DAMICH: Objection, calls for legal</p> <p>13 conclusion.</p> <p>14 THE WITNESS: Can you say that question</p> <p>15 again?</p> <p>16 MR. REINGOLD: Yes.</p> <p>17 BY MR. REINGOLD:</p> <p>18 Q. The registrant's elderly neighbor tells him she'll</p> <p>19 pay him \$5 to shovel her walk. Does he have to</p> <p>20 report his neighbor under SORA 2021 as an employer?</p> <p>21 MR. DAMICH: Same objection.</p> <p>22 THE WITNESS: Can you pull up what it</p> <p>23 says with regards to employers in the law, sir?</p> <p>24 BY MR. REINGOLD:</p> <p>25 Q. I thought you told me you knew what all the</p> <p style="text-align: center;">Page 130</p>
<p>1 registrant's requirements were?</p> <p>2 A. I don't have them verbatim in my head. So if you'd</p> <p>3 like to pull that up so I can refresh them, that'd</p> <p>4 be great.</p> <p>5 Q. Let's see if we can find it.</p> <p>6 A. And I believe I said if I was a sex offender I</p> <p>7 would educate myself on what the rules and</p> <p>8 obligations were.</p> <p>9 Q. Let's take a quick look and see what we can do</p> <p>10 here.</p> <p>11 MS. AUKERMAN: Paul, you can pull up</p> <p>12 the Statute MCO 28.727, that might be the easier to</p> <p>13 do.</p> <p>14 MR. REINGOLD: I've got it right here.</p> <p>15 MS. AUKERMAN: Oh, you've got it in the</p> <p>16 other document. Okay.</p> <p>17 MR. REINGOLD: Yeah. Let me just</p> <p>18 highlight it and share it.</p> <p>19 BY MR. REINGOLD:</p> <p>20 Q. Can you read that?</p> <p>21 A. Yes, sir.</p> <p>22 Q. All right. And for the record I will read it</p> <p>23 aloud. "The address" -- These are things that must</p> <p>24 be included in registration, I believe, and</p> <p>25 verification.</p> <p style="text-align: center;">Page 131</p>	<p>1 "The address that each of the</p> <p>2 individual's employers, for purpose of this</p> <p>3 subdivision, employer includes a contractor and any</p> <p>4 individual who has agreed to hire or contract with</p> <p>5 the individual for his or her services.</p> <p>6 Information under this subsection must include the</p> <p>7 address or location of employment if different from</p> <p>8 the address of the employer."</p> <p>9 A. So reading the law as you pulled it up here, if he</p> <p>10 is employed by that person, he said the neighbor</p> <p>11 was going to pay him \$5 to shovel his or her</p> <p>12 driveway, and it appears that they are contracting</p> <p>13 them for their services, and once they're done with</p> <p>14 the services then they should report that they're</p> <p>15 no longer employed by that person.</p> <p>16 MR. DAMICH: I want to renew my</p> <p>17 objection on the previous question, calls for legal</p> <p>18 conclusion. Sorry.</p> <p>19 MR. REINGOLD: That's fine.</p> <p>20 BY MR. REINGOLD:</p> <p>21 Q. And do you think it's incumbent upon him to tell</p> <p>22 the elderly lady next door that if he shovels her</p> <p>23 walk that her name and her address will go not just</p> <p>24 on the law enforcement registry, but also on the</p> <p>25 public registry?</p> <p style="text-align: center;">Page 132</p>

33 (Pages 129 to 132)

BRENDA HOFFMAN

4/24/2023

<p>1 MR. DAMICH: Objection. Calls for</p> <p>2 legal conclusion.</p> <p>3 THE WITNESS: Well, there's a couple</p> <p>4 questions for that. Your first question was is it</p> <p>5 incumbent on him to let that person know it is up</p> <p>6 to the offender to let his neighbor know. And</p> <p>7 secondly, it would depend on whether or not that</p> <p>8 offender is actually on the public website, whether</p> <p>9 or not that would show on the public website or if</p> <p>10 he or she is unpublished then it would not show on</p> <p>11 the public website.</p> <p>12 BY MR. REINGOLD:</p> <p>13 Q. Right. Let's assume he was on the public website.</p> <p>14 What do you think would happen when he tells his</p> <p>15 neighbor "If I shovel your walk or driveway, your</p> <p>16 name and your address is going to go on the public</p> <p>17 Sex Offender Registry"?</p> <p>18 MR. DAMICH: Objection. Lack of</p> <p>19 foundation.</p> <p>20 THE WITNESS: I have no idea. It's a</p> <p>21 fictitious scenario. I don't know what he or she</p> <p>22 would say.</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. If it were your driveway and you're the one who was</p> <p>25 dealing with the registrant would you say "Great, I</p> <p style="text-align: center;">Page 133</p>	<p>1 made a contract with you, will you shovel my</p> <p>2 driveway?"</p> <p>3 A. I shovel my own driveway because my husband refuses</p> <p>4 to get a snowblower.</p> <p>5 Q. Let's assume you're disabled and your husband's out</p> <p>6 of town and it snowed two feet.</p> <p>7 A. I don't know what I would decide.</p> <p>8 Q. You'd be willing to have your name as the employer</p> <p>9 on the Sex Offender Registry?</p> <p>10 A. I don't know what I would decide, sir.</p> <p>11 Q. Do you agree that the odds of him keeping that job</p> <p>12 and being able to make that \$5 just tanked?</p> <p>13 MR. DAMICH: Objection.</p> <p>14 THE WITNESS: I guess he could do his</p> <p>15 good deed for the day and just do it for his</p> <p>16 elderly neighbor.</p> <p>17 BY MR. REINGOLD:</p> <p>18 Q. He could still have a problem because volunteer</p> <p>19 service has to be reported as well, and that may be</p> <p>20 volunteer service.</p> <p>21 A. I would try to get a different neighbor then,</p> <p>22 because it seems like this is problematic.</p> <p>23 Q. Yeah, and if he doesn't tell her and then she finds</p> <p>24 out that she's on the registry, her name and her</p> <p>25 address are on the public registry, how do you</p> <p style="text-align: center;">Page 134</p>
<p>1 think she's going to feel now?</p> <p>2 MR. DAMICH: Objection, lack of</p> <p>3 foundation.</p> <p>4 THE WITNESS: I don't know how she's</p> <p>5 going to feel, sir.</p> <p>6 BY MR. REINGOLD:</p> <p>7 Q. She's not going to be happy about it. Right?</p> <p>8 A. I don't know, sir.</p> <p>9 Q. Really?</p> <p>10 MR. DAMICH: Objection. Argumentative.</p> <p>11 BY MR. REINGOLD:</p> <p>12 Q. Okay. A few questions about indigency. Everyone</p> <p>13 has to pay a \$50 annual fee up to a statutory limit</p> <p>14 typically at their first reporting date for the</p> <p>15 year; is that right?</p> <p>16 A. Yes, that's my understanding.</p> <p>17 Q. Is there any requirement that you know of to inform</p> <p>18 registrants that the fee can be waived for</p> <p>19 indigency?</p> <p>20 A. Can you repeat that?</p> <p>21 Q. Yes. Is there any requirement to inform</p> <p>22 registrants that the fee can be waived for</p> <p>23 indigency?</p> <p>24 A. I believe in the law it addresses whether or not</p> <p>25 someone is indigent what they have to -- what they</p> <p style="text-align: center;">Page 135</p>	<p>1 can provide to prove that indigency.</p> <p>2 Q. Right. But I was asking a slightly different</p> <p>3 question.</p> <p>4 Do you know if when someone goes in</p> <p>5 whether they're asked if they can afford to pay the</p> <p>6 fee or must they be asked if they can afford to pay</p> <p>7 the fee?</p> <p>8 A. I can only speak to how I would, you know, if I was</p> <p>9 registering somebody how I would handle it.</p> <p>10 Q. And how would you handle it?</p> <p>11 A. If this was the first month of the year that they</p> <p>12 were verifying, which would be the month that they</p> <p>13 would need to pay the fee, I would ask them if they</p> <p>14 have their \$50 to pay their annual fee.</p> <p>15 Q. All right. So I take it you wouldn't ask them</p> <p>16 initially "can you afford to pay it"?</p> <p>17 A. I would not.</p> <p>18 Q. Okay. And then the fee waiver even if they get it</p> <p>19 is only good for 90 days. Right?</p> <p>20 A. That's my understanding, yes.</p> <p>21 Q. Okay. After 90 days if registrants haven't paid</p> <p>22 the fee or returned with new proof of indigency,</p> <p>23 does there status change to noncompliant?</p> <p>24 A. It does not automatically change to noncompliant.</p> <p>25 Q. That would have to be manually entered? Sorry to</p> <p style="text-align: center;">Page 136</p>

BRENDA HOFFMAN

4/24/2023

<p>1 interrupt.</p> <p>2 A. Yes, sir.</p> <p>3 Q. All right. What I want to do now is take</p> <p>4 a --</p> <p>5 MR. REINGOLD: Actually, Scott, do you</p> <p>6 have questions you want to ask?</p> <p>7 MR. DAMICH: Not at the moment.</p> <p>8 MR. REINGOLD: I just want to take a</p> <p>9 two-minute break to see if my co-counsel has</p> <p>10 follow-up questions she wants asked, and then I'll</p> <p>11 return.</p> <p>12 MR. DAMICH: All right.</p> <p>13 (Off the record at 12:31 p.m.)</p> <p>14 (On the record at 12:34 p.m.)</p> <p>15 MR. REINGOLD: I'm back. This won't</p> <p>16 take long. It will be a little disjointed because</p> <p>17 these are questions going back from the beginning.</p> <p>18 BY MR. REINGOLD:</p> <p>19 Q. One question was, when you worked at the police</p> <p>20 post before you were in the SOR unit, did you have</p> <p>21 people who worked under you at that time and whom</p> <p>22 you supervised?</p> <p>23 A. I'm sorry, repeat the question?</p> <p>24 Q. Yes. Before you were in the SORA enforcement unit</p> <p>25 but at your previous post, did you have people whom</p> <p style="text-align: center;">Page 137</p>	<p>1 you supervised, who worked under you?</p> <p>2 A. No, I was just a trooper.</p> <p>3 Q. Okay. As to the new database that started in</p> <p>4 August '21 -- 2021, you said that was a work in</p> <p>5 progress getting it to work. Would you just</p> <p>6 explain a little bit more about what you mean about</p> <p>7 that?</p> <p>8 A. Well, it's a new database, so there's been</p> <p>9 different -- I'm not a computer programmer by any</p> <p>10 means, but it's a new database, so there have been</p> <p>11 things that have been added on to it or changed</p> <p>12 because it wasn't working correctly.</p> <p>13 So that's what I mean by it's a work in</p> <p>14 progress. There's been different layers, I guess,</p> <p>15 you know, where some things were rolled out at a</p> <p>16 certain timeframe, and sometimes when things were</p> <p>17 added or changed, then sometimes like with</p> <p>18 technology it may make something else not work. So</p> <p>19 that's what I mean by a work in progress.</p> <p>20 Q. Yes, that data -- the program training whose</p> <p>21 training I listen to made it sound like an ongoing</p> <p>22 data test even post implementation, you know, there</p> <p>23 was a lot that had to be reworked.</p> <p>24 You said with covid and the injunction</p> <p>25 that offenders got different kinds of information</p> <p style="text-align: center;">Page 138</p>
<p>1 from different sources, and some were told -- or it</p> <p>2 was unclear whether they were told that they were</p> <p>3 on the registry or off the registry.</p> <p>4 What was your sense of how much that</p> <p>5 contributed to the problem that you highlighted now</p> <p>6 of people who are not verifying because they think</p> <p>7 they're not on the registry?</p> <p>8 A. Did you say how much of a problem or --</p> <p>9 Q. Yeah. Yeah. How much do you think that</p> <p>10 contributed to the problem?</p> <p>11 MR. DAMICH: Object to foundation.</p> <p>12 THE WITNESS: I don't know how to say</p> <p>13 how much. I know it was a contributing issue to</p> <p>14 that -- to this problem. So if --</p> <p>15 BY MR. REINGOLD:</p> <p>16 Q. What were the kinds of things that you heard that</p> <p>17 people were told?</p> <p>18 A. I was told by some offenders that they just were</p> <p>19 told that they no longer had to register at all. I</p> <p>20 was told by some offenders that they no longer had</p> <p>21 to register at this time and they would get a</p> <p>22 letter in the mail.</p> <p>23 I was told that people, you know, I</p> <p>24 mean, those are like the main ones. I was told</p> <p>25 that they didn't have to register and they were</p> <p style="text-align: center;">Page 139</p>	<p>1 going to get a letter, and they got the letter, and</p> <p>2 when they ran the letter, that letter told them</p> <p>3 they were no longer on the registry and that was</p> <p>4 not the case.</p> <p>5 So I can't speak to what was told to</p> <p>6 every sex offender. I can tell you when I was</p> <p>7 asked what was going on I would -- I would say, you</p> <p>8 know, at this time if they were how MSP did it, if</p> <p>9 they were an offender and prior to covid if -- if</p> <p>10 they had an incident date prior to April 11th of</p> <p>11 2011, they didn't have to verify at that time until</p> <p>12 the court proceeding finished.</p> <p>13 Q. A follow up question.</p> <p>14 As to covid and the injunction, has the</p> <p>15 department -- the Michigan State</p> <p>16 Police -- instituted at all whether sex offenders</p> <p>17 rose or fell during a period of the injunction when</p> <p>18 SORA was not being enforced?</p> <p>19 MR. DAMICH: Objection, lack of</p> <p>20 foundation.</p> <p>21 THE WITNESS: Can you explain what you</p> <p>22 mean by rose or fell?</p> <p>23 BY MR. REINGOLD:</p> <p>24 Q. Yes. Were there more or fewer sexual convictions?</p> <p>25 MR. DAMICH: Objection to form and</p> <p style="text-align: center;">Page 140</p>

BRENDA HOFFMAN

4/24/2023

<p>1 foundation.</p> <p>2 THE WITNESS: I don't have any numbers.</p> <p>3 You know, I don't think anyone ever dealt with the</p> <p>4 covid issue and the injunction issue. I would, you</p> <p>5 know, there were just proceedings that probably</p> <p>6 weren't done because of covid. Court wasn't being</p> <p>7 held.</p> <p>8 But I don't have an exact number and I</p> <p>9 can't say for sure whether sex crimes</p> <p>10 increased -- or I should say sex crime convictions</p> <p>11 increased or pleas increased or they decreased. I</p> <p>12 can't answer that for you.</p> <p>13 BY MR. REINGOLD:</p> <p>14 Q. And to your knowledge, have the Michigan State</p> <p>15 Police or the sex offense -- the Sex Offender</p> <p>16 Enforcement Unit ever studied the -- whether or not</p> <p>17 SORA reduces sexual offending?</p> <p>18 MR. DAMICH: Object to the form and</p> <p>19 foundation.</p> <p>20 THE WITNESS: I'm unaware of any</p> <p>21 research in that area.</p> <p>22 BY MR. REINGOLD:</p> <p>23 Q. You said that the noncompliance rates were higher</p> <p>24 now than they were before, and you attributed that</p> <p>25 to covid --</p> <p style="text-align: center;">Page 141</p>	<p>1 A. I don't think I said that.</p> <p>2 Q. Oh, I'm sorry if you didn't. That's what I</p> <p>3 inferred.</p> <p>4 Is -- Is my inference correct, that</p> <p>5 noncompliance rates are higher and you attribute</p> <p>6 that to covid?</p> <p>7 A. I don't have the numbers to compare of who was not</p> <p>8 compliant before covid to who is not compliant now,</p> <p>9 so I can't answer that either.</p> <p>10 Q. Okay. When you get questions from registrants,</p> <p>11 what kinds of questions do you get; can you give a</p> <p>12 couple of examples of registrants' questions?</p> <p>13 A. Some still question whether or not they can live</p> <p>14 near a school; that's an easy answer now. Some</p> <p>15 still don't understand or don't know what months</p> <p>16 they're suppose to verify.</p> <p>17 Q. And when you get questions from law enforcement, a</p> <p>18 couple of examples of common questions from law</p> <p>19 enforcement?</p> <p>20 A. I would say one of the questions that's a little</p> <p>21 different now is if an offender comes in late to</p> <p>22 verify with our new database, you no longer can</p> <p>23 actually verify them outside of their verification</p> <p>24 period.</p> <p>25 So in that case that's where I would</p> <p style="text-align: center;">Page 142</p>
<p>1 say well, technically if they didn't come in and</p> <p>2 they didn't verify, they could be in violation of</p> <p>3 failing to verify, and if you wish to investigate</p> <p>4 it and if you can, you know, prove the -- the</p> <p>5 willingness part of it, and for MSP matters if the</p> <p>6 violation -- the violation has to occur after the</p> <p>7 new law started, then that would be up to them</p> <p>8 to -- to do their investigation and decide if they</p> <p>9 wish to proceed.</p> <p>10 Q. And that's different from under the previous</p> <p>11 program where after the period you could still</p> <p>12 register them, and it wouldn't stay on their record</p> <p>13 as an offense?</p> <p>14 A. I think you're inferring that previously an offense</p> <p>15 would be put on this and they could verify it</p> <p>16 after.</p> <p>17 Q. Let me correct it. I didn't mean that. I should</p> <p>18 have said the noncompliance could be fixed, not the</p> <p>19 offense.</p> <p>20 A. So the previous database also did not automatically</p> <p>21 make someone noncompliant if they didn't come in</p> <p>22 during their month. That -- That too had to be</p> <p>23 manually marked.</p> <p>24 Q. Afterwards -- Go ahead. Sorry.</p> <p>25 A. With either database neither of them automatically</p> <p style="text-align: center;">Page 143</p>	<p>1 made someone noncompliant for failing to verify the</p> <p>2 day after the month they were suppose to verify.</p> <p>3 Does that make sense?</p> <p>4 Q. Yes, that makes sense. You can get a report, but</p> <p>5 it's not an automatic noncompliance.</p> <p>6 My question was under the old process,</p> <p>7 under the old program, after the 30th day or 31st</p> <p>8 day of the month when they show up, you</p> <p>9 could -- could you undo or cure the -- the fact</p> <p>10 that they were late?</p> <p>11 A. You can't verify that. I mean, they're suppose to</p> <p>12 verify during their verification month. The old</p> <p>13 database if they were suppose to verify in say</p> <p>14 March and they came in on April 1st, you could</p> <p>15 still put an entry to verify them. Sorry, I have</p> <p>16 to do air quotes. In this system, like it won't</p> <p>17 let you put that entry in if its not their month to</p> <p>18 verify.</p> <p>19 Q. But I'm saying the effect of that was to cure the</p> <p>20 defect and would show that they had verified for</p> <p>21 that month, where as in the new program you can't</p> <p>22 cure the defect and it won't show that they</p> <p>23 verified in that month?</p> <p>24 A. Okay. We're --</p> <p>25 MR. DAMICH: Objection to form.</p> <p style="text-align: center;">Page 144</p>

36 (Pages 141 to 144)


BRENDA HOFFMAN

4/24/2023

<p>1 THE WITNESS: People could be verified</p> <p>2 outside their months in the old system, which is</p> <p>3 technically wrong. That wasn't their month that</p> <p>4 they were suppose to come in and verify. But at</p> <p>5 least it would be a way to show, hey, they showed</p> <p>6 up a day late, I entered them in. For the new</p> <p>7 system you can't do that.</p> <p>8 What I recommend to people if this</p> <p>9 happens is they're either, one, going to start</p> <p>10 their investigation for a possibly fail to verify</p> <p>11 and then go through with their investigation.</p> <p>12 If they chose to not violate them for</p> <p>13 failing to verify, I suggest to them that they put</p> <p>14 in some notes saying "hey, you know, Mr. Smith came</p> <p>15 in a day late, he didn't keep track of his monthly</p> <p>16 verification correctly. At this time I'm choosing</p> <p>17 not to take enforcement action."</p> <p>18 Q. Right. And at the same time I assume, and correct</p> <p>19 me if I'm wrong, that if the person supplies all</p> <p>20 the information that they would have supplied</p> <p>21 during the month they were suppose to verify and</p> <p>22 that's recorded and entered into the system?</p> <p>23 A. I would hope that that would be the case. If</p> <p>24 there's any changes to be made, then they would</p> <p>25 give them as they would when they were coming to</p> <p style="text-align: center;">Page 145</p>	<p>1 verify.</p> <p>2 Q. Yep. Okay. For sweeps in the past you said that</p> <p>3 you had a schedule. Did you mean that there was</p> <p>4 always something on the docket that you knew was</p> <p>5 approaching, or do you mean that year to year you</p> <p>6 did the same things at the same time?</p> <p>7 A. No, it was not always at the same time, and we</p> <p>8 just -- if we had grant money to spend then we</p> <p>9 would try to figure out what areas that we wanted</p> <p>10 to concentrate on and space it out.</p> <p>11 I mean, they're, you know, it would</p> <p>12 take some time to coordinate it as I described. So</p> <p>13 it wasn't like every third week we were going to do</p> <p>14 a sweep. It would vary.</p> <p>15 Q. Okay. As to the sweep form that you thought might</p> <p>16 be out of date, is there a new one that you're</p> <p>17 creating, and if so, other than taking out what no</p> <p>18 longer implies, how would it be different if you</p> <p>19 were rewriting?</p> <p>20 MR. DAMICH: Objection, form and</p> <p>21 foundation.</p> <p>22 THE WITNESS: I have not created a new</p> <p>23 form yet, but if I were to create it I would, you</p> <p>24 know, that form was used kind of just to make</p> <p>25 things easier for documentation after the sweep or</p> <p style="text-align: center;">Page 146</p>
<p>1 during the sweep.</p> <p>2 We found it's sometimes easier to have</p> <p>3 a box to check rather than having to write things</p> <p>4 out in that. So I always try to make things as</p> <p>5 easy for everyone for documentation.</p> <p>6 BY MR. REINGOLD:</p> <p>7 Q. It's easier for data delivery, too?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. When the new program or the new law talked</p> <p>10 about the manner in which people report, were you</p> <p>11 consulted on what manner should be used? This is</p> <p>12 the switch from in-person to some other method.</p> <p>13 A. I was not consulted, no.</p> <p>14 Q. Last question. Are there sweeps that are done</p> <p>15 locally without any assistance or input from MSP?</p> <p>16 MR. DAMICH: Objection, foundation.</p> <p>17 MR. REINGOLD: If you know.</p> <p>18 THE WITNESS: In the past I only guess</p> <p>19 there had been sweeps from other agencies that</p> <p>20 they're free to investigate, that's state law.</p> <p>21 MR. REINGOLD: All right. That's all</p> <p>22 the questions that I have. I want to thank you</p> <p>23 very much for your time. You've been helpful, and</p> <p>24 it's a pleasure to get to know you. I have no</p> <p>25 further questions. Scott, any cross?</p> <p style="text-align: center;">Page 147</p>	<p>1 MR. DAMICH: No, nothing to follow up</p> <p>2 on.</p> <p>3 MR. REINGOLD: Okay. Thank you very</p> <p>4 much.</p> <p>5</p> <p>6 (The Examination was concluded at</p> <p>7 12:50 p.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 148</p>

BRENDA HOFFMAN

4/24/2023

<div>1 CERTIFICATE</div> <div>2 STATE OF MICHIGAN)</div> <div>3)</div> <div>4 COUNTY OF MACOMB)</div> <div>5</div> <div>6 I, Gina Deskiewicz, a Notary Public</div> <div>7 in and for the above county and state, do hereby certify</div> <div>8 that this deposition was taken before me at the time and</div> <div>9 place hereinbefore set forth; that the witness was by me</div> <div>10 first duly sworn to testify to the truth; that this is a</div> <div>11 true, full and correct transcript of my stenographic</div> <div>12 notes so taken; and that I am not related, nor of</div> <div>13 counsel to either party, nor interested in the event of</div> <div>14 this cause.</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div></div> <div>Gina Deskiewicz, CSR-9689, RPR. Notary Public Macomb County, Michigan My commission expires June 14, 2027</div> <div>Page 149</div>	

38 (Page 149)

Brenda Hoffman Deposition Exhibit F

UD-040 (10/02)
MEMORANDUM

STATE OF MICHIGAN DEPARTMENT OF STATE POLICE

DATE: March 24, 2021

TO: Department Members

FROM: Col. Joseph M. Gasper, Director

SUBJECT: Enforcement of Michigan's Sex Offenders Registration Act

[2020 PA 295](#), effective March 24, 2021, amended the [Sex Offenders Registration Act](#) (SORA) to substantially conform its requirements to the federal Sex Offender Registration and Notification Act (SORNA), as amended. [Letters](#) are being sent to registrants to provide notice of the major changes to the SORA, which include the following:

- Elimination of student safety zone prohibitions.
- Prohibition on publishing the tiering of registrants on the public Sex Offender Registry (SOR)
- Elimination of required "in person" reporting of changes to the registrant's vehicle information, electronic mail addresses, internet identifiers, telephone numbers, or temporary residence. Such information may now be updated by first class mail sent not more than three (3) business days after the change to the local police agency, county sheriff, or local MSP post.
- Continued requirement for registrants to appear "in person" to update changes in residence or domicile, employment, enrollment as a student, or name not more than three (3) business days after the change.

Additionally, the department remains subject to the [Interim Order and Injunction](#) entered by the the United States District Court for the Eastern District of Michigan as described in Official Correspondence dated [April 7, 2020](#). As previously noted, this Interim Order and Injunction only prohibits enforcement of the SORA. It does not prevent the department from maintaining the Sex Offender Registration (SOR), such as inputting information about new registrants or continuing the public SOR. Furthermore, individuals required to be registered under the SORA may continue to voluntarily comply with the reporting, verification, and updating requirements under the SORA subject to those changes going into effect beginning March 24, 2021, as referenced above.

Accordingly, until the Interim Order and Injunction is dissolved or clarified by the Court, and until further notice, department members shall not take enforcement action for violations of the SORA. However, there is no longer a general restriction on department members registering, verifying, and updating information reported by individual based on the date of the offense(s) requiring registration under the SORA. As required beginning March 24, 2021, department members shall register and verify individuals who report in person to a worksite to update changes in residence or domicile, employment, enrollment as a student, or name. Further, department members shall update changes to registrants' vehicle information, electronic mail addresses, internet identifiers telephone numbers, or temporary residence when updated through first-class mail or when voluntarily reported in person, except those individuals who were required to be registered under the SORA prior to July 1, 2011, and who have committed no registrable offense since, have no obligation to register or report electronic mail addresses or internet identifiers under the revised law. In all other respects, the reporting obligations are the same for similarly situated registrants regardless of the date of the offense(s) requiring registration.

Questions may be directed to [Sgt. Brenda Hoffmann](#) in the Special Operations Division at 313-720-5249.

Brenda Hoffman Deposition Exhibit G

UD-040 (03/17)
MEMORANDUMSTATE OF MICHIGAN
DEPARTMENT OF STATE POLICE

DATE: February 1, 2022

TO: Department Members

FROM: Col. Joseph M. Gasper, Director

SUBJECT: UPDATE - Enforcement of Michigan's Sex Offenders Registration Act

As described in Official Correspondence dated [March 24, 2021](#), the [Sex Offenders Registration Act](#) (SORA) was [amended](#) to substantially conform its requirements to the federal Sex Offender Registration and Notification Act (SORNA). This [new](#) version of SORA ("new SORA") went into effect **March 24, 2021**, and authorizes enforcement of *willful* violations of the new SORA committed by *any* individual occurring on or after March 24, 2021. "Any individual" means any person required to register under SORA regardless of the date the person was initially required to register, with limited exceptions.

No enforcement for violations occurring before March 24, 2021

As detailed in the [Notice to Law Enforcement](#) distributed to law enforcement agencies and the [Does // Agency Notice for Posting](#) required to be publicly displayed in all MSP posts for a period of one (1) year, successful constitutional challenges to the old SORA in both state and federal court have significantly limited enforcement of violations that occurred before March 24, 2021. Accordingly, *members shall not initiate or take enforcement action for any SORA violations that occurred before March 24, 2021*. Other than directing people to the [SORA](#), publicly posted information, or [resources](#) and [forms](#) on the department's website, members shall not advise non-department members about enforcement of SORA violations that occurred before March 24, 2021, or about the impact of any court decision.

Enforcement for willful violations occurring on or after March 24, 2021

Members are authorized to take enforcement action for *willful* violations of the new SORA occurring on or after March 24, 2021, but only if they can articulate sufficient facts and circumstances to demonstrate the individual knew of the requirements of the new SORA and willfully violated those requirements. *Enforcement members shall not make warrantless arrests where the only basis for the arrest is a violation of the SORA*. Instead, enforcement members shall obtain arrest warrants before making any arrests for willful violations of the SORA. Although [letters](#) were sent to registrants to provide notice of the major changes to SORA beginning March 24, 2021, members shall exercise discretion and good judgment when deciding to take enforcement action or allowing an opportunity to comply. Unless an individual has demonstrated knowledge of the new SORA requirements by previously reporting on or after March 24, 2021, members shall provide a printed or digital copy of the [letter](#), promptly upload a copy of the letter provided to the "Documents and Photos" section of the registry, and document acknowledgement or service in the "General Note History" section to support future enforcement efforts, if necessary.

Members at every worksite designated to receive or enter sex offender registration information shall continue to register, verify, and update information required to be reported by individuals under the SORA. Because individuals are authorized to register, verify, and update information at any department post, members at posts shall not discourage or refuse to accept a report required under the SORA and shall not direct an individual to report the information to another agency, worksite, or post.

Questions regarding enforcement may be directed to [Sgt. Brenda Hoffmann](#) in the Special Operations Division at 313-720-5249.